

United States

Circuit Court of Appeals

For the Ninth Circuit.

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JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN (Now BRANS-  
FORD), and WELDON M. BAILEY,  
Plaintiffs in Error,

vs.

ALTO MINES COMPANY, a Corporation,  
Defendant in Error.

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Transcript of Record.

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Upon Writ of Error to the United States District Court  
of the District of Arizona.

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FILED  
MAR 19 1924  
F. O. MONKTON  
CLERK



United States  
Circuit Court of Appeals

For the Ninth Circuit.

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JAMES E. BOULDIN, DAVID W. BOULDIN,  
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[Clerk's Note: When deemed likely to be of an important nature, errors or doubtful matters appearing in the original certified record are printed literally in italic; and, likewise, cancelled matter appearing in the original certified record is printed and cancelled herein accordingly. When possible, an omission from the text is indicated by printing in italic the two words between which the omission seems to occur.]

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**Names and Addresses of Attorneys of Record.**

SAMUEL L. KINGAN, Esquire, Tucson, Arizona,  
JOHN H. CAMPBELL, Esquire, Tucson, Arizona,  
A. R. CONNER, Esquire, Tucson, Arizona,  
For Plaintiffs in Error.

BEN C. HILL, Esquire, Tucson, Arizona,  
For Defendants in Error.

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In the District Court of the United States in and  
for the District of Arizona.

AT LAW—No. 107 (Tucson).

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, THE ALTO COPPER COM-  
PANY, a Corporation Organized Under the  
Laws of the State of Maine, THE SANTA  
CRUZ MINES AND SMELTER COM-  
PANY, a Corporation Organized Under the  
Laws of the State of Arizona, THE CON-  
SOLIDATED MINES, SMELTER AND  
TRANSPORTATION COMPANY, a Cor-  
poration Organized Under the Laws of the  
State of Delaware, ALBERT STEINFELD,  
HENRY F. GUERIN, JOHN DOE, RICH-

ARD ROE, HENRY ROE, JAMES DOE,  
RICHARD ROE, ARTHUR DOE and AR-  
THUR ROE,

Defendants.

**Amended Complaint.**

To the Judge of the District Court of the United States in and for the District of Arizona:

James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey, citizens of the State of Texas, bring this their amended complaint against The Alto Mines Company, a corporation organized under the laws of the State of Arizona, The Alto Copper Company, a corporation organized under the laws of the State of Maine, The Santa Cruz Mines and Smelter Company, a corporation organized under the laws of the State of Arizona, The Consolidated Mines, Smelter and Transportation Company, a corporation organized under the laws of the State of Delaware, Albert Steinfeld, Henry F. Guerin, John Doe, Richard Roe, Henry Doe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe, citizens of the State of Arizona, and for a cause of action allege: [1\*]

I.

That the true names of the defendants sued as John Doe, Richard Roe, Henry Doe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe are unknown to plaintiffs, and plaintiffs beg leave that as soon as they have ascertained the true

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\*Page-number appearing at foot of page of original certified Transcript of Record.

names of said defendants they may be permitted to insert the same herein.

II.

That plaintiffs are the owners in fee simple of the whole of the north half of a certain tract of land, known as Baca Float No. 3, situated in the County of Santa Cruz, State of Arizona, said tract of land being more particularly described as follows:

Commencing at a point one mile and a half from the base of the Salero Mountain in a direction north forty-five degrees east of the highest point of said mountain; running thence from said beginning point west twelve miles, thirty-six chains and forty-four links; thence south twelve miles, thirty-six chains and forty-four links; thence east twelve miles, thirty-six chains and forty-four links; and thence north twelve miles, thirty-six chains and forty-four links to the place of beginning, according to the official survey of said tract of land made under the direction of the Surveyor-General of Arizona in 1906.

That said land was surveyed under the direction of the Surveyor-General of Arizona, 1906, and on or about December 14, 1914, under the mandate of the Supreme Court of the United States, the map and plat of the said survey of the said land was approved and filed in the office of the Commissioner of the General Land Office, at Washington, D. C., for the purpose of defining the outboundaries of said land and segregating the same from

the public domain, and as a muniment of the plaintiffs' title. That said land was not segregated from the public domain of the United States until on or about the 14th day of December, 1914. Plaintiffs' ownership of the north half of Baca Float No. 3 is single, separate and distinct, and held by one title, deraigned from the Government of the United States. [2]

### III.

That the plaintiffs are entitled to the possession of the whole of the north half of said tract, and to each and every part thereof, and that plaintiffs are informed and believe and aver that the said defendants and each and all of them make claim to some part of the land within the boundaries of the said north half of the above-described Baca Float No. 3, the particular lands claimed by said defendants and the description thereof being unknown to plaintiffs.

### IV.

That the defendants are now unlawfully keeping the plaintiffs out of the possession and withholding from the plaintiffs the possession of parts of the last above-described premises, to wit, the north half of the said Baca Float No. 3, as hereinbefore described.

### V.

That the plaintiffs have been damaged in a large sum, to wit, the sum of fifty thousand dollars (\$50,000) by the action of said defendants in so withholding possession of the above-described premises from them.

VI.

That the value of the land and matter in controversy exceeds, exclusive of interest and costs, the sum of three thousand dollars (\$3,000).

WHEREFORE, plaintiffs pray judgment against the defendants that they deliver up to them the possession of the above-described premises and make no further claim to the ownership thereof or the right of possession thereto, and for damages in the sum of \$50,000 for withholding the same, together with their costs in this behalf expended and for all other further and proper relief.

JOSEPH W. BAILEY,  
JOHN H. CAMPBELL,  
Attorneys for Plaintiffs.

[Endorsed]: Filed Jan. 31, 1918, at — M. Mose Drachman, Clerk. By Effie D. Botts, Deputy Clerk. [3]

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United States District Court, District of Arizona.  
AT LAW—No. 107 (Tucson).

JAMES E. BOULDIN et al.,  
Plaintiffs,

vs.

ALTO MINES COMPANY et al.,  
Defendants.

**Amended Answer to Amended Complaint.**

The defendant, Alto Mines Company, by G. H. Brevillier, its attorney, files the following amended answer to the amended complaint herein:

First. Answering the paragraph or section of the amended complaint marked "II," it denies upon information and belief each and every allegation therein contained, except that it admits that the land was surveyed under the direction of the Surveyor-General of Arizona in the year 1906, and the plat of survey filed or re-filed under the direction of said mandate. It further alleges upon information and belief that said survey was received, found correct and approved in the year 1906 by the Commissioner of the General Land Office.

Second. Answering the paragraph or section of the amended complaint marked "III," it denies upon information and belief that the plaintiffs or any of them are entitled to the possession of the whole or any part of said land.

Third. Answering the paragraph or section of the amended complaint marked "IV," it denies upon information and belief each and every allegation therein contained except that it admits and alleges that it is now the lawful owner in fee simple, and entitled to the possession of [4] so much of the north one-half of said Baca Float No. 3 as is hereinafter specifically described in the first separate defense herein.

Fourth. Answering the paragraph or section of the amended complaint marked "V," it denies upon information and belief each and every allegation therein contained.

FOR A FIRST SEPARATE DEFENSE THIS DEFENDANT ALLEGES UPON INFORMATION AND BELIEF AS FOLLOWS:

Fifth. The defendant reiterates the allegations and denials contained in the first four paragraphs of this amended answer, being those first appearing herein with the number "First," "Second," "Third," and "Fourth."

Sixth. That it was at the time of the commencement of this action and still is the sole and lawful owner in fee simple, and in possession and lawfully entitled to possession of all those certain pieces or parcels of the demanded premises being:

ALL those certain mines, mining claims, mining properties and the land covered thereby, with the appurtenances, situate, lying and being in the Tyndall Mining District, County of Santa Cruz, State of Arizona, as follows, to wit:

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations at page 189;

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations at page 188;

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85;

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93;

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86;

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160;

DONAU, the location notice of which is recorded in Book 1 of Mining Locations, at page 88;

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162;

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations, at page 84;

ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82. [5]

Also all that part and parcel of the STEINFELD WEST, ALBERT, STEINFELD, ALTO, ALBIAN and RECORD, which lies south of the north boundary of Baca Float No. 3, as selected on June 17th, 1863, under and pursuant to an act of Congress approved June 21st, 1860, as said line is now fixed and established by the survey of Phillip Contzen, Deputy Mineral Surveyor, made in the year 1905.

The location notices of said respective claims last mentioned, are recorded as follows: STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80; ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58; STEINFELD, the location notice of which is recorded in Book 1 of



Mining Locations at page 56; ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81; ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54, and the RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191.

The book and page references hereinabove made, are to the books of the County Recorder's office of Santa Cruz County.

Seventh. That it acquired its title thereto in fee simple absolute by various deeds, among them being a deed made by William S. McKnight as sheriff of Santa Cruz County, State of Arizona (said William S. McKnight being then and there such sheriff) to this defendant, dated and delivered February 5, 1916, under and in pursuance of the sale duly and lawfully made by said sheriff under a certain final judgment or decree, duly given, made and entered in and by the Superior Court of the county of Santa Cruz, State of Arizona, on December 5, 1913, and being Cause No. 155 in said court, in which action the State of Arizona, at the relation and to the use of Raymond R. Earhart, treasurer and *ex-officio* tax collector in and for the county of Santa Cruz, State of Arizona, was plaintiff and the plaintiffs herein and their predecessors in title and others were defendants. That said judgment or decree was duly given, made and rendered by said court, and is now and has been at all times since it was given, made and rendered, in full [6] force and

effect, and that said Court then and there had due and lawful jurisdiction to render the same; that said judgment or decree directed the premises so conveyed by said sheriff to be sold at public auction; and that said premises were lawfully so sold at public auction by said sheriff and purchased thereat by Samuel F. Noon for this defendant, and the consideration therefor paid by this defendant to said sheriff by him. That said sheriff thereupon made and issued the usual certificate in duplicate of said sale in due form of law as required by the laws of the State of Arizona, and delivered one thereof to said Samuel F. Noon, and caused the other to be filed in the office of the County Recorder of Santa Cruz County. That said sale was made under said judgment as aforesaid on June 29, 1914; that no redemption (if any right thereto existed) was ever made of the premises so sold as aforesaid by or in behalf of the plaintiffs herein or any of them, or by or on behalf of any other person whatsoever. That by deed dated June 29, 1914, and recorded in the office of the Recorder of Santa Cruz County aforesaid on January 8, 1915, in Book 6 M.D., pages 120 to 122, the said Samuel F. Noon and Natalie F. Noon, his wife, did convey to this defendant the premises hereinbefore more particularly set forth, and did expressly authorize and direct the sheriff of Santa Cruz County aforesaid to execute and deliver a deed to this defendant therefor. That said deed made as aforesaid by said sheriff to this defendant was duly acknowledged by said sheriff on February 5, 1916, and duly recorded in the office of the re-

corder of Santa Cruz County aforesaid on February 5, 1916, in Book 6 M. D., page 258. That said judgment or decree was duly given, made and rendered on lawful service against the plaintiffs herein and [7] their ancestors in title; and that the plaintiffs herein were duly presented and represented at said sale and made no objection thereto, and permitted the said Samuel F. Noon to purchase the said premises for this defendant and pay the consideration therefor to said sheriff without making any objection or protest to said sheriff at any time or to any person whatsoever or in any way whatsoever as to said sale or said judgment or decree.

FOR A SECOND SEPARATE DEFENSE  
THIS DEFENDANT ALLEGES UPON INFORMATION  
AND BELIEF AS FOLLOWS:

Eighth. The defendant reiterates the allegations and denials contained in the first four paragraphs of this amended answer, being those first appearing herein with the numbers "First," "Second," "Third," and Fourth."

Ninth. That it and its predecessors in title have been in continuous, peaceable, quiet and adverse possession of said premises, under claim of title and under color of title, cultivating, using and enjoying the same and claiming under deeds duly recorded, for more than ten years prior to the commencement of this action, and for more than five years prior to the commencement of this action, and for more than three years prior to the commencement of this action, and for more than two years prior to the

commencement of this action; and that the claim of the plaintiffs herein is now and was at the time of the commencement of this action barred by each and every statute of limitation of the State of Arizona or of the former Territory of Arizona.

FOR A THIRD SEPARATE DEFENSE THIS DEFENDANT ALLEGES UPON INFORMATION AND BELIEF.

Tenth. The defendant reiterates the allegations and [8] denials contained in the first four paragraphs of this amended answer, being those first appearing herein with the numbers "First," "Second," "Third," and "Fourth."

Eleventh. That this action is brought by the plaintiffs to test the validity of the taxes and tax sale referred to in the first separate defense herein, but neither said plaintiffs nor any of them paid or offered to pay the amount of such taxes to the county treasurer of Santa Cruz County, Arizona, together with all penalties thereon as in the case of other taxes, as provided by the laws of the State of Arizona, and amongst other laws Section 4939 of the present Civil Code of the State of Arizona, and neither said plaintiffs nor any of them paid or offered to pay to the said county treasurer, or to this defendant, or to any other person, officer, official or corporation the amount of such taxes or any part thereof or of said penalties, nor the amount bid for said properties by said Samuel F. Noon at the sheriff's sale specified in the first separate defense herein; and that under the laws of the State of Arizona said plaintiffs cannot be permitted to

maintain this action or to test the validity of said taxes or tax sale.

WHEREFORE this defendant prays judgment dismissing the complaint with costs, that the plaintiffs have and take nothing by this action, and that this defendant be adjudged and decreed to be the sole and lawful owner and lawfully entitled to possession of the lands and premises particularly described in the second paragraph of the first separate defense herein.

(Signed) G. H. BREVILLIER,  
G. H. BREVILLIER,  
Attorney for Defendant,  
Alto Mines Company, 32 Liberty Street,  
New York City.

[Endorsed]: Filed March 26, 1919. Mose Drachman, Clerk. By Effie D. Botts, Chief Deputy Clerk. Original. Answer of Defendant, Alto Mines Company, to Amended Complaint. [9]

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UNITED STATES OF AMERICA.

District Court of the United States, District of  
Arizona.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES CO. et al.,

Defendants.

**Default.**

In this action the defendants, The Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Co., a corporation, The Cons. Mines, Smelter & Transportation Co., a corporation, Albert Steinfeld & Henry F. Guerin, having been regularly served with process, and having failed to appear and answer the plaintiff's complaint on file herein, and the time allowed by law for answering having expired, the default of said defendants above named in the premises is hereby entered according to law.

Given under my hand and the seal of said District Court at Tucson, Arizona, this 2d day of January, A. D. 1918.

[Seal]

MOSE DRACHMAN,  
Clerk.

By Effie D. Botts,  
Deputy Clerk.

[Endorsed]: Filed January 2, 1918. Mose Drachman, Clerk. By Effie D. Botts, Deputy Clerk. [10]

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United States District Court, for the District of  
Arizona.

EJECTMENT—No. 107 (Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY et al.,

Defendants.

**Stipulation Re Introduction of Public Records or  
Recorded Deeds.**

IT IS HEREBY MUTUALLY STIPULATED and agreed that on the trial of the above case, any party may introduce uncertified copies of public records or recorded deeds, vouched for by either of the undersigned or by Ben C. Hill, Esq., under and through which they claim title to the lands involved in said case or any portion thereof, with the same force and effect as if duly certified or exemplified.

Dated, New York, April 18, 1918.

JOHN H. CAMPBELL,  
Attorney for Plaintiffs.

G. H. BREVILLIER,

Attorney for Defendant, Alto Mines Company.

[Endorsed]: Filed April 22d, 1918. Mose Drachman, Clerk. By Effie D. Botts, Deputy. Stipulation. [11]

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November Term, 1919—Tucson Division.

In the United States District Court for the District  
of Arizona.

Hon. WILLIAM H. SAWTELLE, United States  
District Judge, Presiding.

Minute Entry of November 4th, 1919.

No. L-107 (Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY, a Corporation,

Defendant.

**Minutes of Court—November 4, 1919—Trial.**

This case came on this day regularly for trial without a jury, counsel for parties having waived the hearing by jury in open court. John H. Campbell, Esquire, and Weldon M. Bailey, Esquire, appeared as counsel on behalf of the plaintiff, and G. H. Brevillier, Esquire, and Ben C. Hill, Esquire, appeared as counsel for the defendant, and thereupon the case proceeded to trial. Plaintiffs to maintain upon their part the issues herein, offered in evidence a map, which was admitted and filed marked Plaintiff's Exhibit No. 1, and thereupon the plaintiffs rested their case. The defendant then offered in evidence, the following exhibits which were marked for identification:

Defendant's Exhibit No. 1, being a deed.

Defendant's Exhibit No. 2, being certified copy of judgment.

Defendant's Exhibit No. 3, being deed from Noon to Alto Mines Co.

Defendant's Exhibit No. 4, being certified copy of writ of execution.

Defendant's Exhibit No. 5, being certificate of sale.

Defendant's Exhibit No. 6, being fifteen copies of location notices.

And thereupon the defendant rested its case. The plaintiff then offered in evidence the following exhibits which were marked for identification:

Plaintiff's Exhibit No. 2, being deed from Santa Cruz Development Co. to Abbie Fowler.

Plaintiff's Exhibit No. 3, being deed from Abbie M. Fowler to Alto Mines Co. [12]



Plaintiff's Exhibit No. 4, being record of judgment.

Defendants then offered in evidence the following exhibits, which were marked for identification: Defendant's Exhibit No. 7, being certified copy of minute entries.

Defendant's Exhibit No. 8, being certified copy of order.

Defendant's Exhibit No. 9, being certified copy of affidavit.

And thereupon defendant rested its case.

There being no further evidence to be introduced, the case was argued by counsel in part and continued until Wednesday, the 5th day of November, A. D. 1919, at two o'clock P. M.

Minute Entry of November 5th, 1919.

JAMES E. BOULDIN et al.,

Plaintiff,

vs.

ALTO MINES COMPANY, a Corporation,  
Defendant

**Minutes of Court—November 5, 1919—Trial  
(Continued).**

The trial of this case having been continued from a previous session of this Court, come now all the parties hereto and the argument was completed and the case submitted to the Court. Thereupon the Court took the same under advisement. [13]

**Plaintiff's Exhibit No. 2.**

THIS INDENTURE, made this 12th day of June, in the year One thousand nine hundred and thirteen (1913) BY AND BETWEEN SANTA CRUZ DEVELOPMENT COMPANY, a corporation organized and existing under the laws of the State of Arizona, party of the first part, and ABBIE M. FOWLER, party of the second part, WITNESSETH:

That the party of the first part for and in consideration of the sum of Ten (\$10) Dollars, lawful money of the United States of America, and other good and valuable considerations to them paid at or before the ensealing and delivery hereof, the receipt of which is hereby acknowledged, have granted, bargained, sold, remised, released and quit-claimed, and by these presents does grant, bargain, sell, remise, release and quit-claim, unto the said party of the second part, her heirs and assigns:

All that certain tract, piece or parcel of land, situate, lying and being in Santa Cruz County, State of Arizona, on which is located or situated a group of mines or mining claims known as "ALTO GROUP OF MINES," and the dips, angles and spurs thereof, and which mines or mining claims are described as follows, to wit:

MINERAL WEST: The location certificate of which is recorded in Book 1, Mining Locations, pages 76-77; MINERAL No. 1, the location certificate of which is recorded in Book 1, Mining locations, pages 50-51; MINERAL No. 2, the loca-

tion certificate of which is recorded in Book 1, Mining locations, pages 74-75; and the amended location certificate of which is recorded in Book 5, Mining locations, page 510; OAK, the location certificate of which is recorded in Book 1, Mining locations, pages 52-53; ALBION, the location of which is recorded in Book 1, Mining locations, pages 54-55; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 192-193; RECORD, the location certificate of which is recorded in Book 2, Mining locations, page 156, *et seq.* and the [14] amended location certificate of which is recorded in Book 5, Mining Locations, pages 191-192; ALBERT, the location certificate of which is recorded in Book 1, Mining Locations, pages 58-59; ALBERT No. 2, the location certificate of which is recorded in Book 1, Mining Locations, pages 73-74; STEINFELD, the location certificate of which is recorded in Book 1, Mining Locations, pages 79-81; STEINFELD WEST, the location certificate of which is recorded in Book 1, Mining Locations, pages 56-57; ALTO, the location certificate of which is recorded in Book 1, Mining Locations, pages 81, 82; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 508; ALTO EAST, the location certificate of which is recorded in Book 1, Mining Locations, pages 82-83; GRAND PRIZE, the location certificate of which is recorded in Book 1, Mining Locations, pages 84-85; EXCELSIOR WEST, the location certificate of which is recorded in Book 1, Mining Locations, pages 93-94; EXCEL-

SIOR, the location certificate of which is recorded in Book 1, Mining Locations, pages 85-86; HILLSIDE, the location certificate of which is recorded in Book 2, Mining Locations, pages 160 *et seq.*; OPHIR No. 1, the location certificate of which is recorded in Book 2, Mining Locations, pages 158-159; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 188-189; OPHIR No. 2, the location certificate of which is recorded in Book 2, Mining Locations, pages 159-160, and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 189-190; BUENA VISTA, the location certificate of which is recorded in Book 1, Mining Locations, pages 86-87; DONAU, the location certificate of which is recorded in Book 1, Mining Locations, pages 88-89; and GREAT EASTERN, the location of which is recorded in Book 2, Mining Locations, pages 162-163; the records herein referred to are the records of Santa Cruz County, Arizona.

TOGETHER with any right, title, interest or estate which the party of the first part may hereafter acquire, become entitled or vested to said premises or any part thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or anywise appertaining, and the reversion and reversions, remainder and remainders; and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in

law as in equity of the party of the first part of, in or to the said premises and every part and parcel thereof with the appurtenances. [15]

TO HAVE AND TO HOLD THE SAME unto the said party of the second part, her heirs and assigns forever.

And the said party of the first part does hereby covenant to and with the party of the second part, her heirs and assigns, that said party of the first part has not made, done, committed, executed, or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above-mentioned and described premises or any part or parcel thereof, now or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

IN WITNESS WHEREOF the said party of the first part has caused this instrument to be duly signed and sealed in its behalf by due authority of its Board of Directors the day and year first above written.

SANTA CRUZ DEVELOPMENT COMPANY.

[Corporate Seal] By JAMES W. IRWIN,  
President. [16]

State of Massachusetts,  
County of Essex,—ss.

Before me, M. Francis Buckley, a notary public in and for the county and state aforesaid, on this date personally appeared James W. Vroom, president of the Santa Cruz Development Company, a corporation organized and existing under the laws

of the State of Arizona, known to me to be such person and to me known to be the president of said corporation; and acknowledged to me as such president that he executed the foregoing instrument as the free act and deed of said corporation, by him voluntarily executed and for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 9th day of July, 1913.

[Notarial Seal] M. FRANCIS BUCKLEY.

My commission expires June 4, 1920.

[Endorsed]: Original Deed. Plaintiff's Exhibit 2 marked for identification. [17]

### **Plaintiff's Exhibit No. 3.**

THIS INDENTURE, made this 12th day of July, in the year One thousand nine hundred and thirteen (1913) BY AND BETWEEN ABBIE M. FOWLER, unmarried, party of the first part, and ALTO MINES COMPANY, a corporation organized and existing under the laws of the State of Arizona, party of the second part, WITNESSETH:

That the party of the first part for and in consideration of the sum of Ten (\$10) Dollars, lawful money of the United States of America, and other good and valuable considerations to her paid at or before the ensembling and delivery hereof, the receipt of which is hereby acknowledged, has granted, sold, remised, released and quit-claimed, and by these presents does grant, bargain, sell, remise, release and quit-claim, unto the said party of the second part, its successors or assigns:

All that certain tract, piece or parcel of land, situate, lying and being in Santa Cruz County, State of Arizona, on which is located or situated a group of mines or mining claims known as "ALTO GROUP OF MINES," and the dips, angles and spurs thereof, and which mines or mining claims are described as follows, to wit:

MINERAL WEST: The location certificate of which is recorded in Book 1, Mining Locations, pages 76-77; MINERAL No. 1, the location certificate of which is recorded in Book 1, Mining locations, pages 50-51; MINERAL No. 2, the location certificate of which is recorded in Book 1, Mining locations, pages 74-75; and the amended location certificate of which is recorded in Book 5, Mining locations, page 510; OAK, the location certificate of which is recorded in Book 1, Mining locations, pages 52-53; ALBION, the location of which is recorded in Book 1, Mining locations, pages 54-55; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 192-193; RECORD, the location certificate of which is recorded in Book 2, Mining locations, page 156, *et seq.* and the [18] amended location certificate of which is recorded in Book 5, Mining Locations, pages 191-192; ALBERT, the location certificate of which is recorded in Book 1, Mining Locations, pages 58-59; ALBERT No. 2, the location certificate of which is recorded in Book 1, Mining Locations, pages 73-74; STEINFELD, the location certificate of which is recorded in Book 1, Mining Locations, pages 79-81; STEINFELD

WEST, the location certificate of which is recorded in Book 1, Mining Locations, pages 56-57; ALTO, the location certificate of which is recorded in Book 1, Mining Locations, pages 81, 82; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 508; ALTO EAST, the location certificate of which is recorded in Book 1, Mining Locations, pages 82-83; GRAND PRIZE, the location certificate of which is recorded in Book 1, Mining Locations, pages 84-85; EXCELSIOR WEST, the location certificate of which is recorded in Book 1, Mining Locations, pages 93-94; EXCELSIOR, the location certificate of which is recorded in Book 1, Mining Locations, pages 85-86; HILLSIDE, the location certificate of which is recorded in Book 2, Mining Locations, pages 160 *et seq.*; OPHIR No. 1, the location certificate of which is recorded in Book 2, Mining Locations, pages 158-159; and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 188-189; OPHIR No. 2, the location certificate of which is recorded in Book 2, Mining Locations, pages 159-160, and the amended location certificate of which is recorded in Book 5, Mining Locations, pages 189-190; BUENA VISTA, the location certificate of which is recorded in Book 1, Mining Locations, pages 86-87; DONAU, the location certificate of which is recorded in Book 1, Mining Locations, pages 88-89; and GREAT EASTERN, the location of which is recorded in Book 2, Mining Locations, pages 162-163; (the records herein referred to are the records of Santa Cruz County, Arizona).



TOGETHER with any right, title, interest or estate which the party of the first part may hereafter acquire, become entitled or vested to said premises or any part thereof.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging or anywise appertaining, and the reversion and reversions, remainder and remainders; and the rents, issues and profits thereof; and also all the estate, right, title, interest, property, possession, claim and demand whatsoever as well in law as in equity of the party of the first part of, in or to the said premises and every part and parcel thereof with the appurtenances. [19]

TO HAVE AND TO HOLD THE SAME unto the said party of the second part, its successors and assigns forever.

And the said party of the first part does hereby covenant to and with the party of the second part, its successors and assigns, that said party of the first part has not made, done, committed, executed, or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above-mentioned and described premises or any part or parcel thereof, now or at any time hereafter shall or may be impeached, charged or encumbered in any manner or way whatsoever.

IN WITNESS WHEREOF the said party of the first part has signed and sealed this instrument the day and year first above written.

In the presence of

(Signed) ABBIE M. FOWLER (Seal) [20]

State, City and County of New York,—ss.

Before me, William Himmelreich, a Notary Public in and for the county aforesaid, on this day personally appeared Abbie M. Fowler, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 12th day of July, 1913.

[Notarial Seal]

WILLIAM HIMMELREICH,  
Notary Public, New York County.

Notary Public, Kings Co., No. 54.

Cert. Filed in New York Co. No. 31, Reg. No. 4151.

Cert. filed in Westchester County.

Term expires March 30, 1914.

My commission expires \_\_\_\_\_.

[Endorsed]: Original Deed. Plaintiff's Exhibit 3, marked for identification. [21]

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In the District Court of the United States in and  
for the District of Arizona.

AT LAW—No. 107 (Tucson).

JAMES E. BOULDIN, et als.,

Plaintiffs,

vs.

ALTO MINES COMPANY et als.,

Defendants.

**Statement of Plaintiff's Title.**

1. On June 21st, 1860, the Government of the United States granted to the heirs of Luis Maria Baca the right to select not more than five tracts of land, each containing approximately one hundred thousand acres, in the then Territory of New Mexico.

2. On June 17th, 1863, John S. Watts, as attorney for the heirs of Luis Maria Baca, selected the tract now known as Baca Location No. 3, a part of which is here in controversy, as the third of the tracts which the heirs of Luis Maria Baca were permitted to select, by the Act of June 21st, 1860.

3. On April 9th, 1864, that selection was approved by the Commissioner of the General Land Office of Washington, D. C., and a survey of the property was ordered.

4. On May 1st, 1864, the heirs of Luis Maria Baca conveyed Baca Location No. 3 to John S. Watts, by deed dated on that day and recorded in the office of the County Recorder of Pima County, Arizona, on the 25th of May, 1894; this deed was also recorded in the records of Santa Fe County, New Mexico, on May 14th, 1864.

5. On January 8th, 1870, by deed dated on that day, and recorded on May 9th, 1885, in the records of Pima County, Arizona, John S. Watts conveyed Baca Location No. 3 to Christopher E. Hawley.

6. On May 30th, 1871, by deed dated on that day, and duly recorded, the heirs of Luis Maria Baca conveyed Baca Location No. 3 to John S. Watts,

and ratified and confirmed their previous deed of May 1st, 1864. [22]

7. On May 5th, 1884, by deed dated on that day and recorded on May 9th, 1885, in the records of Pima County, Arizona, Christopher E. Hawley conveyed Baca Location No. 3 to John C. Robinson.

8. On November 19th, 1892, by deed dated on that day and recorded on the 27th of December, 1892, in the records of Pima County, Arizona, John C. Robinson conveyed the north half of Baca Location No. 3 to Powhatan W. Bouldin and James E. Bouldin.

9. On November 7th, 1894, by deed dated on that day, and recorded on the 26th of November, 1894, in the records of Pima County, Arizona, Powhatan W. Bouldin conveyed to M. A. Taylor all of his right, title and interest in and to the north half of Baca Location No. 3.

10. On April 25th, 1895, by deed dated on that day, and recorded on the 30th of April, 1895, in the records of Pima County, Arizona, James E. Bouldin conveyed all of his interest in the north half of Baca Location No. 3 to M. A. Taylor.

11. On the 28th of November, 1896, by deed dated on that day and recorded on the 22d day of December, 1896, in the records of Pima County, Arizona, M. A. Taylor, conveyed the north half of Baca Location No. 3 to Daisy Belle Bouldin.

12. On April 16th, 1900, by deed dated on that day and recorded on the 26th of June, 1907, in the records of Santa Cruz County, Arizona, Daisy Belle Bouldin and James E. Bouldin conveyed an un-

divided one-half of the north half of Baca Location No. 3 to D. B. Gracy.

13. On June 15, 1904, by deed dated on that day, and recorded on the 26th of June, 1907, in the records of Santa Cruz County, Arizona, D. B. Gracy conveyed an undivided one-half of the north half of Baca Location No. 3 to James E. Bouldin.

14. Daisy Belle Bouldin died intestate in the year 1908, leaving surviving her two children, David W. Bouldin and Helen L. Bouldin; her interest in the north half of Baca Location No. 3 passed by inheritance to David W. and Helen L. Bouldin, subject to any question of community. [23]

16. In April, 1915, Jennie N. Bouldin and James E. Bouldin, conveyed to Weldon M. Bailey an undivided one-half of one-half of the north half of Baca Location No. 3 by a deed dated April 2d, 1915, and duly recorded in the records of Santa Cruz County, Arizona.

17. In April, 1915, David W. Bouldin and Helen L. Bouldin by separate deeds, conveyed to Weldon M. Bailey an undivided one-third of one-half of the north half of Baca Location No. 3; said deed was duly recorded in the records of Santa Cruz County, Arizona.

We, as attorneys for the plaintiffs, and for the Alto Mines Company, do hereby agree that the above is a true statement of the title of the plaintiffs in this cause, and that the same may be offered in evidence as proof of the plaintiffs' title without the necessity of offering the original or

copies of the instruments set out in the above statement.

WELDON M. BAILEY,  
Attorney for Plaintiffs.  
G. H. BREVILLIER,  
Attorney for Defendants.

[Endorsed]: Filed Nov. 4/19. Mose Drachman,  
Clerk. [24]

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**Plaintiff's Exhibit No. 4.**

In the Superior Court, County of Santa Cruz, State  
of Arizona. Petition.

RAYMOND R. EARHART, Treasurer and *Ex-Officio* Tax Collector in and for the County of  
————— in the State of Arizona,  
Plaintiff,

vs.

ALBERT STEINFELD and HENRY F. GUE-  
RIN, Receivers,  
Defendants.

RAYMOND R. EARHART, Treasurer, and *Ex-Officio* Tax Collector in and for the County of  
Santa Cruz in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines & Smelter Company, a  
Corporation, the Consolidated Mines, Smelter  
& Transportation Company, a Corporation,

Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee of the Said The Alto Copper Company and of the Said The Santa Cruz Mines & Smelter Company; The Santa Rita Company, a Corporation Organized Under the Laws of the State of New York, Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, His Wife,

Defendants.

PETITION.

1. The State of Arizona who sues in this behalf, at the relation and to the use of Raymond R. Earhart, Treasurer and *Ex-Officio* Tax Collector within and for the said County of Santa Cruz, in the State of Arizona, for cause of action states that he as aforesaid, is the duly elected, commissioned and qualified Treasurer and *Ex-Officio* Tax Collector in and for the County and State aforesaid, and is now engaged in the discharge of his duties as such, under and by virtue of the laws of said state.

2. Plaintiff further alleges that the defendants herein are the owners of the following described tracts of land situated in the County of Santa Cruz, and state of Arizona, to wit:

Tract No. 1. The following patented mining claims situate in the Tyndall Mining District of Santa Cruz County, State of Arizona, and known as the "Alto" Group of patented mines: "Mineral West," "Albert," "Albert No. 2," "Oak," "Ophir No. 1," "Excelsior West," "Excelsior," "Hillside," "Buena Vista," "Donau," "Great Eastern," "Record," "Albian," "Steinfeld," "Steinfeld West," "Alto," "Alto East," "Grans Prize," "Ophir No. 2," "Mineral No. 1," and "Mineral No. 2"; [25]

	Book	M. L.	Page	
Mineral West	1		76	
Albert	1		58	
Albert No. 2	1		73	
Oak	1		52	The foregoing de
Ophir No. 1	5	188		scriptions should b
Ophir No. 2	5	189		construed as follows
Excelsior West	1	93		Book and Page o
Excelsior	1	85		Mining Location, o
Hillside	2	160		the records of Sant
Buena Vista	1	86		Cruz County, Stat
Donau	1	88		of Arizona.
Great Eastern	2	162		
Record	5	191		
Albian	1	54		
Steinfeld	1	56		
Steinfeld West	1	80		
Alto	1	81		
Alto East	1	82		
Grand Prize	1	84		
Mineral No. 1	1	50		
Mineral No. 2	1	74		



That all of the above described tracts of land were, for each of the years and for the several purposes, and to the amounts hereinafter set forth, subject to taxation under the laws of the former Territory of Arizona.

3. That the Assessor of and for the County and former Territory aforesaid, duly elected, appointed, qualified and acting as such, under and by virtue of the laws of the former Territory of Arizona, and at the times and in the manner required by law, for each of the years for which taxes are hereinafter shown to have been assessed and levied thereon, did proceed to list and assess the full cash value for taxation of said tracts of land; and did so list and assess the value of each tract thereof, the improvements thereon, and all personal property belonging to the owner thereof, separately, and did at the times and in the manner and form, as required by law, for each of the years for which taxes are hereinafter shown to have been assessed and levied thereon, proceed to list and assess the values for taxation of said tracts of land, and did so list and assess the value of each tract thereof separately, and did at all times and in the manner and form as required by law, for each of the years as hereinafter shown, for which said tracts of land were so listed and assessed for taxation, make a tax list or assessment-roll for his said county, containing a complete list of all of the taxable property, both real estate and personal property of said county, and did enter thereon in alphabetical and numerical order, each of the said above-described tracts of

land, and did, on or before the third Monday in June, of each year of the said years in which the said respective assessments were made, and after the first Monday in February next preceding each of the said years, for which said assessments were made respectively, make out and deliver to the clerk of the board of supervisors of said County, the tax list or assessment-roll so made, as aforesaid, to which was attached his certificate; and did also, for each of said years, and during the said times, in a book, make a map or plan of the various blocks within incorporated cities or towns, and mark thereon the various subdivisions as they were assessed, and in each subdivision mark the name of the person to whom it was assessed; and did, [26] at the time of delivering said assessment-roll, deliver said map-book to the said clerk. Said assessor did at said time also deliver to the said clerk all of the original lists of property given to him, all of which were filed in the office of said clerk. That immediately thereafter during each of said years, said clerk of the board of supervisors did give notice of the fact of the filing of said tax list or assessment-roll, in his office, specifying in said notice the time and meeting of the board of equalization, by publishing in one newspaper, in the manner directed by the board of supervisors of said County. And said clerk did keep the said tax lists or assessment-roll, open in his office for public inspection thereafter for the period of time required by law. That the county board of equalization for the aforesaid county did, at the time and in the

manner and form required by law, for each of said years, proceed to equalize and adjust said valuations and assessments, and did give due and lawful notice to all persons interested therein, that said board would meet at the time and place as prescribed by law to hear appeals from said valuations and the assessments of said assessor, and from its action in raising and equalizing assessments and valuations and did do all other things in this connection as required by law. That immediately after the adjournment of the board of equalization in July of each of said years, the said board of supervisors caused the said clerk to make an abstract of the assessment-roll, as required by law, in duplicate, and transmit a copy thereof, to the then territorial auditor, which said abstract was laid before the then territorial board of equalization, as required by law. That said assessments and valuations, for each of said years, were duly equalized by the then territorial board of equalization, as the law required. That a statement of the changes, if any, which were made in the assessment by the then territorial board of equalization for each of said years, was duly certified to the clerk of the board of supervisors aforesaid, by the then territorial auditor, together with the rate of taxes, which was to be levied and collected within said county for territorial purposes. That said equalized assessment-roll was thereafterwards corrected, and adjusted, and the valuations thereon duly extended as so equalized, by and in accordance with the decisions of the then territorial board of equalization and the said

county board of equalization. That after such final valuations, adjustments and assessments, so made as aforesaid, and under and by virtue of the laws of the then said territory in full force and effect, until the times hereinafter mentioned the duly elected, qualified and acting officers and agents of the then said territory and county having full legal authority so to do, in the manner and form, and at the times and places as by law the same is required to be done, did, by orders of record fixing the rates thereof, within the limits required by law, levy upon said real estate and the personal property assessed therewith, as so listed, valued, assessed and adjusted, in due proportion to its full cash valuation as so listed, valued, assessed and adjusted, certain territorial, county, school, and other taxes on the separate tracts of said real estate, for the years and in favor of the several funds, and for the purposes and to the amounts, all as set out and as will appear in the following schedule, to wit:

That the Alto Copper Company is a corporation, organized under the laws of the State of Maine; that the Santa Cruz Mines & Smelter Company is a corporation, organized under the laws of the State of Arizona; that the Consolidated Mines, Smelter and Transportation Company is a corporation, organized under the laws of the State of Delaware; that Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constitute the bondholders' committee of the Alto Copper Company and the Santa Cruz Mines and Smelter Company; that the Santa Rita Company is a corporation, organized under the laws of the State of New York; [27]

Patented Mines known as "The Alti Group."

Year Tax Belonging to	State and County Taxes Kind of Taxes				Funds and Amounts Due to Each Fund															
	Real est <sup>e</sup> and Imp <sup>t</sup>	Personal Property	State Taxes	County Taxes	State Tax Fund	County Road Fund	County General Fund	State Refunding Int. Fund	Pima County Redemption Fund	Pima Co. bond int Fund	Co. School Fund	Ct. house bond Int Fund	N.C. R. R. Bd. Int. Fund	State Road Fund	Total Tax for each year	Int. due to date	Sho fees for making up back of tax book	Total amt. due for all years		
1910	16,700	300	175.10	515.78	151.30	43.18	248.20	12.92	21.76	25.74	129.54	12.92	34.34	10.88	544.00	146.88	3.60	694	48	
1911	19,824.80	1075	180.18	588.94	156.20	48.08	276.39	11.99	24.16	28.90	156.20	19.14	36.07	11.99	668.80	0.32	3.60	772	72	
1912	19,824.80	825	206.26	644.51	191.43	25.62	308.48	14.83	31.88	31.88	191.43	21.25	33.97		825.99	24.78	3.60	854	37	

2038.79 271.98 10.80 2321.57

















The Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Company, a corporation, The Consolidated Mines Smelter & Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams, and Wilbur L. Davis, constituting the bondholders' committee of the said The Alto Copper Company, and of the said The Santa Cruz Mines & Smelter Company; The Santa Rita Company, a corporation, organized under the laws of the State of New York, Arizona Copper Estate, a corporation, organized under the laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, and Lucia Wise, his wife, and Albert Steinfeld, and Henry F. Guerin, Receivers.

[32] That the Arizona Copper Estate is a corporation, organized under the laws of the State of Arizona; and that the residence of James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Bell Bouldin, James E. Bouldin and Jane Doe Bouldin are unknown to plaintiff; and that Albert Steinfeld and Henry Guerin, are receivers for the Alto Copper Company, the Santa Cruz Mines and Smelting Company and the Consolidated Mines, Smelter and Transportation Company.

Amounting in the aggregate, for all of the aforesaid years upon all of the aforesaid tracts of land, to the sum of two thousand and thirty-eight 79/100

(\$2,038.79) Dollars, all of which will fully appear from a tax bill hereto attached, and filed with and made a part of this petition, fully authenticated by certificate of the treasurer and *ex-officio* tax collector within and for said county.

4. That all of said taxes so assessed and levied as aforesaid, for the years and purposes aforesaid, to the amounts aforesaid, and against said above-described tracts of land respectively as aforesaid, became and were and still are delinquent, and together with interest, penalties, fees and costs thereon, remain due and unpaid.

5. That all of said lists and assessments for said years were, by the proper officers, and as required by law, properly adjusted, corrected and extended; and, thereafter within the time required by law, for each of said years, the then acting clerk of the board of supervisors of said county did make a fair copy of the same into a duplicate assessment-roll, containing all lands and other property in said county, including the above-described tracts of land and showing taxes due thereon as hereinbefore shown, duly certified and authenticated by the seal of said board of supervisors, for the use of said collector, and as soon thereafter [33] as might be and after such correction and adjustment thereof, the same to be delivered to the then properly elected, appointed, qualified, acting tax collector of said county. That as soon as the said board of supervisors had levied the taxes, as provided by law, they added up the columns of valuations and entered the total of valuation of each description of prop-

erty on the roll and caused a true copy of said assessment-roll to be made, which was styled "A Duplicate Assessment-Roll," with territorial, county and other taxes, and totals of taxes to each person or name carried out in the separate money columns and carefully footed up the several taxes therein levied, and gave to the county treasurer of said county a statement thereof, which said treasurer immediately charged the amount of such taxes to the tax collector of the said county, and said taxes were by the board of supervisors charged to the county treasurer. That immediately thereafter the chairman of the board of supervisors did annex to said duplicate assessment-roll, under his hand, a warrant, commanding the tax collector to collect from the several persons named in said roll the several sums mentioned in the last column of said roll, opposite their respective names, on or before the third Monday in December, then next. That said duplicate assessment-roll, and also the plat or map-book aforesaid, were duly delivered to the tax collector on or before the third Monday in Sept. of each of said years. That each tax collector, within and for the county and the then territory aforesaid, for the respective years aforesaid, did, within the times and in the manner prescribed by law, give due notice to the taxpayers of said county, of the times and places when and where he would meet them to receive their taxes, and in accordance therewith attended at such times and places, and thereafterwards diligently endeavored, and used all lawful means to collect the taxes hereinbefore mentioned,

upon the real estate aforesaid, extended as aforesaid upon the said book, delivered to him as aforesaid, but was unable to collect the same, and did thereafter make a delinquent list for all taxes specified on said book so [34] delivered to him, against the land and town lots, which he had been unable to collect, and complied with said laws in the manners and form, and at the times prescribed therein, and being unable to collect the aforesaid taxes against the real estate aforesaid, first having diligently endeavored and used all lawful means to collect the same, as in said laws required, stated in said list the amount of taxes due on said first above-described real estate, and each tract thereof respectively, with a full description of the same, and did thereafter in due time, return to the board of supervisors duly certified and delinquent lists, so made out by him as required by law, upon each of which lists, and included therein and accompanying the same, for appropriate years, were the delinquent taxes aforesaid then due upon the several tracts of real estate aforesaid so extended upon the tax-book delivered to him aforesaid. That after each return of said delinquent lists, all things required by law were done and performed, within the proper times and in the proper manner and form, and by proper officers of said county, in relation to said delinquent lists and the taxes upon said real estate. That after each of said returns of the then clerk of the board of supervisors, as by law required, and within the times required, made a back tax book, and complied in the making thereof with all



the requirements of the law, upon each of which back tax-books, and included therein for the appropriate years, were entered and shown, as part thereof, all the land delinquent in said county including the said above-described tracts, and opposite thereto the names of the owners, except when the same were not known, and when not known, the names of the persons to whom said respective tracts were last assessed, the description thereof, the respective year or years for which each of said respective tracts was delinquent, the amount of the original tax due each fund on each of said respective tracts, all as fully set out and shown in the foregoing schedule, together with the interest on the whole of [35] said taxes at the time of making said back tax books, and all clerk's fees then due, and the aggregate amount of taxes, interest and clerk's fees charged against each of said several and respective tracts for all the years for which the same was delinquent.

6. That upon the completion of each of said back tax-books, the same was, by the clerk of the board of supervisors aforesaid, delivered to the then tax collectors as aforesaid, for the purpose of collecting the taxes contained therein. That thereafter the said collector proceeded to collect the taxes contained in said back tax book, as required by law, and made diligent endeavor so to do, but was after due diligence unable to collect the said taxes against said real estate, so with the other lands described and contained in said back tax books, nor has the said described real estate been redeemed up to the

present time from the lien of the former Territory of Arizona, and of the present State of Arizona, which exists upon the same, as hereinafter set forth.

7. That under and by virtue of the laws in such cases made and provided, there are due and unpaid upon the taxes so assessed and levied, and remaining unpaid upon the several tracts of land hereinbefore described, divers sums as penalties, interest and costs, as follows, to wit:

On taxes delinquent and unpaid as aforesaid on said "The Alto Group" two hundred seventy-one 98/100 dollars, penalty and interest, and ten and 80/100 (\$10.80) dollars costs.

All of which will more fully appear from the duly certified and authenticated tax bill herewith filed. That the total amount of taxes, interest, penalties and costs delinquent, due and unpaid upon all the above-described tracts of land, for the years aforesaid, amount in the aggregate to the sum of \$2,321.57/100 dollars.

That all of said tracts of land, together with the taxes due thereon, as above set out, were duly and properly returned delinquent more than sixty days next before the filing of this [36] petition.

That all of said amounts above set out, together with all interest, commissions, penalties and costs thereon accrued under and by virtue of the statutes in such cases made and provided remain due and unpaid.

8. Plaintiff further alleges that under and by virtue of the statutes of the State of Arizona, in such cases made and provided, all taxes assessed

and levied upon each of said respective tracts of real estate, and the personal property assessed therewith, became and are a first and paramount lien in favor of the State of Arizona, on each of said tracts, respectively, to the amount of said taxes, interest, penalties and costs so assessed, levied and accrued thereon, and that under and by virtue of said statutes said lien upon said real estate for all of said taxes due thereon, as well as for all interest, penalties and costs accrued on the same, is retained in favor of said state, and power is by said statutes conferred on said state to enforce said lien by suit, in courts of competent jurisdiction without regard to the amount involved, at the relation and to the use of the tax collector of the county wherein said real estate is situated.

9. That by virtue of the statutes of the State of Arizona, the aforesaid tax collector, realtor herein, made an agreement in writing with and employed W. A. O'Connor, as attorney in prosecuting this suit and all others for delinquent taxes in said county; said attorney to receive as fees therefor fifteen per centum of the amount collected and paid into the treasury, for the prompt and faithful performance of his duties under said agreement; which said agreement between said collector and said attorney was approved by the board of supervisors of said county, by order of record entered the 5th day of March, 1912, the said per centum to be taxed as costs in the suit and collected as other costs.

Wherefore plaintiff, the State of Arizona, at the relation of and to the use aforesaid, prays judgment for the said sum of [37] twenty-three hundred twenty-one 57/100 (\$2321.57/100) dollars, the aggregate amount of taxes, interest, penalties and costs, due on said land as aforesaid, TOGETHER WITH THE COSTS OF THIS SUIT, IN ADDITION TO THE SAID SUM, against said defendant and that the same be declared a first and paramount lien in favor of the State of Arizona, and all equities of redemption foreclosed, and that the said lien be enforced and said real estate, or so much thereof as may be necessary to satisfy said judgment, interest, penalties and costs of this suit, be sold, and that an execution or other appropriate process be issued thereon.

W. A. O'CONNOR,  
Plaintiff's Attorney.

[Endorsed on back]: Petition in Suit on Delinquent Lands. Filed March 15th, 1923. Edw. L. Mix, Clerk. [38]

In the Superior Court of Santa Cruz County, State of Arizona.

STATE OF ARIZONA ex rel. R. R. EARHART,  
Tax Collector of Santa Cruz County, Arizona,

Plaintiff,

vs.

ALTO COPPER COMPANY et als.,

Defendants.

DEMURRER.

Come now the defendants in the above-styled cause, and demur to the complaint filed herein, and assign the following grounds of demurrer:

I.

Said complaint fails to state facts sufficient to constitute a cause of action against the defendants, or either of them.

WHEREFORE, defendants pray that plaintiff take nothing against them or either of them in this action, and that they have judgment against plaintiff for costs.

GEORGE W. LEWIS,  
Attorney for Defendants.

[Endorsed on back]: Demurrer. Filed this 3d day of July, 1913. Edw. L. Mix, Clerk

Service admitted this 3d day of July, 1913.

W. A. O'CONNOR,  
Attorney for Plaintiff. [39]

In the Superior Court of the State of Arizona, in  
and for the County of Santa Cruz.

No. 155.

THE STATE OF ARIZONA at the Relation and  
to the Use of RAYMOND R. EARHART,  
Treasurer and Tax Collector of the County  
of Santa Cruz,

Plaintiffs,

vs.

ALTO COPPER COMPANY, a Corporation, et al.,  
Defendants.

## AFFIDAVIT OF RAYMOND R. EARHART.

Raymond R. Earhart, being first duly sworn, deposes and says that he is the same Raymond R. Earhart at whose relation and use the above-entitled action has been commenced and is maintained. That the defendant, Henry F. Guerin, receiver, is a nonresident of the State of Arizona, and is absent from the state, and is a resident, as affiant is informed and believes, of the State of Ohio, and resides in the city of Columbus in said state, but that the street number and address of said Guerin is unknown to this affiant, save and except that his office is in the Hartman Bldg., said city and that all of above facts existed and were true at the time of filing, and during continuance of said action.

RAYMOND R. EARHART.

Subscribed and sworn to before me this 25th day of March, 1914.

[Seal]

PHIL HEROLD,  
Notary Public.

My commission expires Feby. 23, 1916.

[Endorsed on back]: Affidavit. Filed March 25, 1914. Edw. L. Mix, Clerk. [40]

In the Superior Court of the State of Arizona in  
and for the County of Santa Cruz.

No. 155.

THE STATE OF ARIZONA at the Relation and  
to the Use of R. R. EARHART, Treasurer  
and Tax Collector of the County of Santa  
Cruz, Arizona,

Plaintiff,

vs.

ALTO COPPER COMPANY et al.,

Defendants.

ORDER FOR FILING AFFIDAVIT NUNC  
PRO TUNC.

It appearing to the Court that Henry F. Guerin, as receiver, is one of the defendants in the above-entitled cause, and that by inadvertence his name was omitted in the affidavit of publication filed in said cause, but it appearing further that said Guerin was actually served and a copy of the complaint in said cause, with summons attached thereto, was duly served upon him, and the said Guerin being receiver of this Court in another cause, and the Court having jurisdiction over the said Guerin as such receiver.

It is ordered that the plaintiff in the above-entitled cause may now file *nunc pro tunc* an affidavit for service by publication, and that said affidavit when so filed, shall have like force and effect as if filed prior to the service by publication made in the above-entitled cause.

Done at Nogales, Arizona, this 25th day of March,  
1914.

W. A. O'CONNOR,  
Judge.

[Endorsed on back]: Order. Filed March 25,  
1914. Edw. L. Mix, Clerk. [41]

Form 2289K

### NIGHT LETTER.

THE WESTERN UNION TELEGRAPH  
COMPANY,  
Incorporated.

25,000 offices in America.

Cable Service to all the World.

This Company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following night letter.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of unrepeated night letters, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case beyond the sum of fifty dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an unrepeated night letter, and is de-



livered by request of the sender, under the conditions named above.

ROBERT CLOWRY,  
President.

BELVIDERE BROOKS,  
General Manager.

6 GS HC & 73 N L

Received at  
MB New York Sept 19-13.  
Hon. Frank J. Duffy,  
Nogales, Ariz.

Thanks for telegram received by telegraph on sixteenth instant from Lewis. First word of hearing on twentieth and his inability to act. One month time absolutely necessary to enable demurrants to employ new *consul* and familiarize him and to substitute and add parties defendant. Practically no delay because service by publication on three mining corporation defendant completed about ten days ago my mailing papers to their office. Have mailed affidavit to above facts.

G. H. GREVILLIER.

825AM [42]

Form 2289K

## NIGHT LETTER.

THE WESTERN UNION TELEGRAPH  
COMPANY,  
Incorporated.

25,000 offices in America.

Cable Service to all the World.

This Company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following night letter.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of unrepeatd night letters, sent at reduced rates, beyond a sum equal to ten times the amount paid for transmission; nor in any case beyond the sum of fifty dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after the message is filed with the Company for transmission.

This is an unrepeatd night letter, and is delivered by request of the sender, under the conditions named above.

ROBERT CLOWRY,

President.

BELVIDERE BROOKS,

General Manager.

Received at 7 GS AH 76 NL

MB New York Sept. 16 17 1913.

Hon. Frank J. Duffy,  
Nogales, Az.

In tax suit against Alto Copper Co. and others just learned by telegram from Geo. W. Lewis who filed demurrer for two of defendants had been appointed clerk United States District Court and could no longer act and that demurrer had been set for hearing Saturday. Kindly adjourn hearing for one month so enable parties to get local counsel and familiarize him with situation. Case may involve Baca Float question. Kindly wire me night letter collect.

G. H. BREVILLIER.

852AM [43]

NIGHT LETTER.

Form 2289.

THE WESTERN UNION TELEGRAPH  
COMPANY,  
Incorporated.

25,000 offices in America.

Cable Service to all the World.

ROBERT CLOWRY,  
President.

BELVIDERE BROOKS,  
General Manager.

Receiver's No.                      Time Filed                      Check

Send the following night letter subject to the terms on back hereof which are hereby agreed to.

Nogales, September 18th, 1913.

G. H. Brevillier,

New York, N. Y.

Hearing of demurrer in tax suit against Alto Copper Company and others was set for September twentieth after being advised by Mr. Lewis that ten days notice was sufficient time.

Defendants insist on hearing. Suggest you take matter up with O'Connor. Showing for further continuance will be necessary if hearing urged.

FRANK J. DUFFY. [44]

Form 1864

THE WESTERN UNION TELEGRAPH  
COMPANY,  
Incorporated.

25,000 offices in America.

Cable Service to all the World.

This Company transmits and delivers messages only on conditions limiting its liability, which have been assented to by the sender of the following message.

Errors can be guarded against only by repeating a message back to the sending station for comparison, and the Company will not hold itself liable for errors or delays in transmission or delivery of unrepeated messages, beyond the amount of tolls paid thereon, nor in any case beyond the sum of fifty dollars, at which, unless otherwise stated below, this message has been valued by the sender thereof, nor in any case where the claim is not presented in writing within sixty days after

the message is filed with the Company for transmission.

This is an unrepeated message, and is delivered by request of the sender, under the conditions named above.

THEO. N. VAIL,  
President.

BELVIDERE BROOKS,  
General Manager.

Received at  
13 S AH 29

MB New York Sept. 20 1913.

S. F. Noon,

Attorney at Law, Nogales, Az.

Please secure adjournment hearing demurrer Alto tax suit on today so I can acquaint you with situation Heard on sixteen of argument and inability of Lewis attorney to act.

G. H. BREVILLIER.

1025AM [45]

In the Superior Court of Santa Cruz County, State  
of Arizona.

No. 155.

THE STATE OF ARIZONA, at the Relation and  
to the Use of RAYMOND R. EARHART,  
Treasurer and *Ex-Officio* Tax Collector in  
and for the County of Santa Cruz in the  
State of Arizona,

Plaintiff,

vs.

THE ALTO COMPANY, a Corporation, et al.,  
Defendants.

MOTION FOR HEARING ON DEMURRER.

Comes now the plaintiff in the above-entitled ac-  
tion and moves the Court that the hearing on the  
demurrer heretofore filed herein be set for an early  
date.

W. A. O'CONNOR,  
Attorney for Plaintiff.

[Endorsed on back]: Motion. Filed August 30th,  
1913. Edw. L. Mix, Clerk. [46]

In the Superior Court of Santa Cruz County, State  
of Arizona.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector of Santa  
Cruz County in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines & Smelter Company,  
a Corporation, The Consolidated Mines,  
Smelter & Transportation Company, a Cor-  
poration, Alexander I. McLeod, L. J. Wil-  
liams and Wilbur L. Davis, Constituting the  
Bondholders' Committee of the said The Alto  
Copper Company and the said The Santa  
Cruz Mines & Smelter Company; The Santa  
Rita Company, a Corporation Organized  
under the Laws of the State of New York,  
Arizona Copper Estate, a Corporation, Or-  
ganized under the Laws of Arizona, James  
W. Vroom, Jane Doe Vroom, John Watts,  
Jane Doe Watts, Cornelius C. Watts, Jane  
Doe Watts, Dabney C. T. Davis, Jane Doe  
Davis, Daisey Belle Bouldin, James E. Boul-  
din, Jane Doe Bouldin, J. E. Wise, and Lucia  
Wise, his wife, and Albert Steinfeld and  
Henry F. Guerin, Receivers,

Defendants.

## SUMMONS.

Action Brought in the Superior Court of Santa Cruz County, State of Arizona, and the complaint Filed in said County of Santa Cruz in the office of the Clerk of said Superior Court.

In the Name of the State of Arizona, To The Alto Copper Company, The Santa Cruz Mines & Smelter Company, The Consolidated Mines, Smelter & Transportation Company, Alexander I. McLeod, L. J. Williams, Wilbur L. Davis, The Santa Rita Company, Arizona Copper Estate, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisey Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, Lucia Wise, Albert Steinfeld and Henry F. Guerin, Defendants, GREETINGS:

YOU ARE HEREBY SUMMONED and required to appear in an action brought against you by the above-named plaintiff in the Superior Court of Santa Cruz County, State of Arizona, and answer the complaint therein filed with the clerk of this said court, at Nogales, in said county, within twenty days after the service upon you of this summons, if served in this said county, or in all other cases within thirty days thereafter, the times above mentioned being exclusive of the day of service, or judgment by default will be taken against you.



GIVEN under my hand and the seal of the Superior Court of Santa Cruz County, State of Arizona, this 17th day of April, 1913.

[Seal]

EDW. L. MIX,

Clerk of said Superior Court. [47]

Office of the Sheriff,  
County of Pima, Arizona,—ss.

I hereby certify that I received the within summons on the 30th day of April, A. D. 1913, at the hour of 9 A. M., and served the same on the 3d day of May, A. D. 1913, upon the Santa Cruz Mines & Smelter Company, a corporation, being one of the defendants named in said summons, by delivering to and leaving with the statutory agent of said Santa Cruz Mines & Smelter Co., the statutory agent of said defendant corporation, at Tucson, county of Pima, State of Arizona, a copy of said summons, to which was attached a true copy of the complaint mentioned in said summons.

Dated this 3d day of May, A. D. 1913.

JOHN NELSON,  
Sheriff.

By C. G. HUSS,  
Deputy Sheriff.

Fees, service .....	\$1.80
Fees, Copies,	
Travel, — Miles .....	\$
Total .....	\$

Office of the Sheriff,  
County of Santa Cruz, Arizona,—ss.

I hereby certify that I received the within summons on the 25th day of April, A. D. 1913, at the

hour of 10:00 A. M. and served the same on the 22d day of May, 1913, upon J. E. Wise, and Lucia Wise, his wife, being two of the defendants named in said summons, by delivering to and leaving with each of them at the precinct of Calabasas, county of Santa Cruz a copy of said summons, to which was attached a true copy of the complaint mentioned in said summons.

Dated this 22d day of May, A. D. 1913.

W. S. McKNIGHT,  
Sheriff.

By F. J. Taylor,  
Deputy.

Fees, service .....	\$3.00
12 miles . . . . .	3.60

[Endorsed on back]: Original Summons. Filed May 23d, A. D. 1913. Edw. L. Mix, Clerk. [48]

In the Superior Court of the County of Santa Cruz,  
State of Arizona.

THE STATE OF ARIZONA, at the Relation and  
to the Use of R. R. EARHART, Treasurer  
and *Ex-Officio* Tax Collector, in and for the  
County of Santa Cruz, State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines and Smelter Com-  
pany, a Corporation, The Consolidated  
Mines, Smelter and Transportation Com-  
pany, a Corporation, Alexander I. McLeod,

L. J. Williams and Wilbur L. Davis, as the Bondholders' Committee of The Alto Copper Company and the Santa Cruz Mines and Smelter Company, the Santa Rita Company, a Corporation, the Arizona Copper Estate, a Corporation, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Boudin, Jane Doe Bouldin, Albert Steinfeld and Henry Guerin, Receivers and J. E. Wise and Lucia Wise,  
Defendants.

AFFIDAVIT OF NONRESIDENCE.

State of Arizona,  
County of Santa Cruz,—ss.

W. A. O'Connor, being first duly sworn, deposes and says that he is the attorney for the plaintiff in the above-entitled action; that the defendants, the Alto Copper Company, a corporation, organized under the laws of the State of Maine, the Santa Cruz Mines and Smelter Company, a corporation, organized under the laws of the State of Arizona, the Consolidated Mines, Smelter and Transportation Company, a corporation organized under the laws of the State of Delaware, the Santa Rita Company, a corporation, organized under the laws of the State of New York, the Arizona Copper Estate, a corporation, organized under the laws of the State of Arizona; that the above-named corporations are, and each of them is doing business in the State of

Arizona, and within Santa Cruz County, and that the said corporations have not, and neither of them has a legally appointed and qualified and constituted agent residing in the State of Arizona, upon whom service of process can be had; that the residences of James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, and Jane Doe Bouldin are unknown; that Alexander I. McLeod, L. J. Williams and Wilbur L. Davis are, and each of them is a nonresident of the State of Arizona; that to the best of affiant's knowledge and belief of the defendant Alexander I. McLeod, resides in the city of Detroit, State of Michigan, the said Wilbur L. Davis in the city of Waldon, State of Massachusetts, the said L. J. Williams resides in the city of Scranton, State of Pennsylvania; that at the time of filing the complaint in this action, and ever since that time, and now, the said Alexander I. McLeod, the said L. J. Williams, and the said Wilbur L. Davis, have been and now are absent from the State of Arizona. Affiant therefore, asks that service of summons in said action be had by publication thereof, as provided by law.

W. A. O'CONNOR.

Subscribed and sworn to before me this 21st day of March, A. D. 1913.

[Seal]

EDW. L. MIX,  
Clerk of Superior Court.

[Endorsed on back]: Affidavit of Nonresidence.  
Filed March 21, 1913. Edw. L. Mix, Clerk. [49]

In the Superior Court of the County of Santa Cruz,  
State of Arizona.

THE STATE OF ARIZONA, at the Relation and  
to the Use of R. R. EARHART, Treasurer  
and *Ex-Officio* Tax Collector, in and for the  
County of Santa Cruz, State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
the Santa Cruz Mines and Smelter Company,  
a Corporation, the Consolidated Mines, Smel-  
ter and Transportation Company, a Corpora-  
tion, Alexander I. McLeod, L. J. Williams,  
and Wilbur L. Davis, as the Bondholders'  
Committee of the Alto Copper Company and  
the Santa Cruz Mines and Smelter Company,  
the Santa Rita Company, a Corporation, the  
Arizona Copper Estate, a Corporation, James  
W. Vroom, Jane Doe Vroom, John Watts,  
Jane Doe Watts, Cornelius C. Watts, Jane Doe  
Watts, Dabney C. T. Davis, Jane Doe Davis,  
Daisy Belle Bouldin, James E. Bouldin, Jane  
Doe Bouldin, Albert Steinfeld and Henry  
Guerin, Receivers, and J. E. Wise and Lucia  
Wise,

Defendants.

State of Arizona,  
County of Santa Cruz,—ss.

W. A. O'Connor, being first duly sworn, deposes  
and says: that he is the attorney for the plaintiff

in the above-entitled action, and as such attorney makes this affidavit; that the defendant The Alto Copper Company is a corporation organized under the laws of the State of Maine, and having its home office, as affiant is informed and believes, and to the best of his information and belief avers, at Bangor, State of Maine; that the Santa Cruz Mines and Smelter Company is a corporation organized under the laws of the State of Arizona, and having its principal place of business at Tucson, in said state; that the Consolidated Mines, Smelter and Transportation Company is a corporation organized under the laws of the State of Delaware, and having its principal office, as affiant is informed and believes, at Dover, said state; that the Santa Rita Company is a corporation organized under the laws of the State of New York, and that the home office or principal office of said corporation is unknown to this affiant; that the Arizona Copper Estate is a corporation organized under the laws of the State of Arizona; that each and all of the above-named corporations are [50] doing business in the State of Arizona, and within Santa Cruz County, said state, and that the said The Alto Copper Company, the said Consolidated Mines, Smelter and Transportation Company and the said Santa Rita Company have not, and neither of them has a legally appointed and constituted agent or any agent residing in or in the State of Arizona upon whom service of process can be had or made; that James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dab-

ney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, and Jane Doe Bouldin are each and all nonresidents of the State of Arizona; that the residence of said James W. Vroom and Jane Doe Vroom is 30 Broad Street, city of New York, State of New York, as affiant is informed and believes; that the residence of John Watts and Jane Doe Watts is the city of Denver, State of Colorado, the street number and street being unknown to affiant; that the residence of Cornelius C. Watts and Jane Doe Watts is the city of Charleston, State of West Virginia, the street number and street being unknown to this affiant; that the residence of Dabney C. T. Davis and Jane Doe Davis is the city of Charleston, State of West Virginia, the street number and street being unknown to this affiant; that the residence of Daisy Belle Bouldin, James E. Bouldin and Jane Doe Bouldin is the city of Austin, county of Travis, State of Texas, the street number and street being unknown to this affiant; that the said Alexander I. McLeod, L. J. Williams, and Wilbur L. Davis are, and each of them is a nonresident of the State of Arizona; that the said Alexander I. McLeod's residence is the city of Detroit, State of Michigan, the street number and street being unknown to affiant; that the residence of Wilbur L. Davis is the city of Walden, State of Massachusetts, the street number and street being unknown to this affiant; that the residence of the said L. J. Williams is the city of Scranton, State of Pennsylvania, the street number and street being unknown to affiant; that at the

time of filing the complaint in this action, and ever since, and now, the said Alexander I. McLeod, and the said L. J. Williams, and the said Wilbur L. Davis, and the said James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Daisy Belle Bouldin, James E. Bouldin, and Jane Doe Bouldin, and each of them have been and now are absent from the State of Arizona, and that the time of filing the said complaint, ever since and now, the said [51] *the said* the Alto Copper Company, and the said Consolidated Mines, Smelter and Transportation Company, and each of them, had no duly appointed or constituted agent, or any agent within the State of Arizona upon whom a service could be made, and no officer of said companies, or either thereof within the State of Arizona, upon whom service could be made; affiant therefore asks that service of summons in said action be made by publication, as provided by law.

W. A. O'CONNOR,

Subscribed and sworn to before me this 12th day of April, A. D. 1913.

My commission expires 2-17th-1916.

[Seal]

E. K. CUMMING,  
Notary Public.

[Endorsed on back]: Affidavit of Nonresidence. Filed this 12th day of April, 1913. Edw. L. Mix, Clerk of the Superior Court. [52]



In the Superior Court in and for the County of  
Santa Cruz, State of Arizona.

No. 155.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector in and for  
the County of Santa Cruz in the State of Ari-  
zona,

Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines & Smelter Company,  
a Corporation, The Consolidated Mines, Smel-  
ter & Transportation Company, a Corporation,  
Alexander I. McLeod, L. J. Williams, and  
Wilbur L. Davis, Constituting the Bondhold-  
ers' Committee of the Said The Alto Copper  
Company and of the Said The Santa Cruz  
Mines & Smelter Company; The Santa Rita  
Company, a Corporation, Organized Under  
the Laws of the State of New York, Arizona  
Copper Estate, a Corporation, Organized  
Under the Laws of Arizona, James W. Vroom,  
Jane Doe Vroom, John Watts, Jane Doe  
Watts, Cornelius C. Watts, Jane Doe Watts,  
Dabney C. T. Davis, Jane Doe Davis, Daisy  
Belle Bouldin, James E. Bouldin, Jane Doe  
Bouldin, J. E. Wise and Lucia Wise, His  
Wife, and Albert Steinfeld and Henry F.  
Guerin, Receivers,

Defendants.

## AFFIDAVIT OF MAILING SUMMONS AND COMPLAINT.

State of Arizona,  
County of Santa Cruz,—ss.

Raymond R. Earhart, being first duly sworn, deposes and says that he is the plaintiff in the above-entitled action. That on the 25th day of April, A. D. 1913, he deposited in the postoffice at Nogales, Santa Cruz County, Arizona, a copy of the summons and complaint in the above-entitled action, with the postage prepaid thereon, directed to the defendant corporation, The Alto Copper Company, as its supposed principal or home office in the city of Bangor, State of Maine;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant corporation, The Consolidated Mines, Smelter & Transportation Company, at its supposed principal or home office in the city of Dover, State of Delaware;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, [53] directed to the defendant Alexander I. McLeod at his *proposed* place of residence in the City of Detroit, State of Michigan;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant L. J. Williams, at

his *proposed* place of residence in the City of Scranton, State of Pennsylvania;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Wilbur L. Davis, at his supposed place of residence in the city of Waldon, State of Massachusetts;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant James E. Bouldin at his proposed place of residence in the city of Austin, Texas;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Henry F. Guerin, at his supposed office in the Hartman Building, in the city of Columbus, State of Ohio;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant, James W. Vroom at his supposed office or place of residence at No. 30 Broad Street, in the City of New York, State of New York;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant, Jane Doe Vroom, at her supposed office or place of residence at No. 30

Broad Street, in the City of New York, State of New York;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant, John Watts, at his supposed place of residence in the city of Denver, State of Colorado;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Jane Doe Watts, at her supposed place [54] of residence in the city of Denver, State of Colorado;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Cornelius C. Watts, at his supposed place of residence in the city of Charleston, State of West Virginia;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Jane Doe Watts, at her supposed place of residence, in the city of Charleston, State of West Virginia;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Dabney C. T. Davis, at his supposed place of residence in the city of Charleston, State of West Virginia;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Jane Doe Davis at her supposed place of residence, in the city of Charleston, State of West Virginia;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, two copies of said summons and complaint, with the postage prepaid thereon, directed to the defendant Daisy Belle Bouldin, at her supposed place of residence, in the city of Austin, State of Texas;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the defendant Jane Doe Bouldin, at her supposed place of residence in the city of Austin, State of Texas;

That on said date affiant further deposited in said postoffice at Nogales, Arizona, a copy of said summons and complaint, with the postage prepaid thereon, directed to the Arizona Corporation Commission at its office in the city of Phoenix, county of Maricopa, State of Arizona, for service by said commission on the defendant corporation the Arizona Copper Estate.

RAYMOND R. EARHART.

Subscribed and sworn to before me this 3d day of June, A. D. 1913.

[Seal]

EDW. L. MIX,  
Clerk of the Superior Court.

[Endorsed on back]: Affidavit of Mailing. Filed June 3d, 1913. Edw. L. Mix, Clerk. [55]

AFFIDAVIT OF PUBLICATION.

State of Arizona,  
County of Santa Cruz,—ss.

Before me, W. A. O'Connor, a notary public in and for the County of Santa Cruz, duly commissioned and sworn, on this day personally appeared E. D. Miller, who being first duly sworn, deposes and says: That he is the editor and proprietor of the "Border Vidette," a paper published at Nogales, Santa Cruz County, State of Arizona, and that the annexed notice or advertisement was published in said newspaper five weeks, the first publication being on May 3d, the 2d on May 10th, the 3d May 17th, the 4th May 24th, 1913, and the last publication being on May 31st, 1913.

Subscribed and sworn to before me at Nogales, this 31st day of May, 1913.

[Seal]

W. A. O'CONNOR,  
Notary Public.

E. D. MILLER.

(ATTACHED.)

SUMMONS—ACTION No. 155.

In the Superior Court of Santa Cruz County, State  
of Arizona.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector of Santa  
Cruz County, in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines & Smelter Company,  
a Corporation, The Consolidated Mines, Smel-  
ter & Transportation Company, a Corporation,  
Alexander I. McLeod, L. J. Williams, and  
Wilbur L. Davis, Constituting the Bondhold-  
ers' Committee of the Said The Alto Copper  
Company and of the Said The Santa Cruz  
Mines & Smelter Company; The Santa Rita  
Company, a Corporation, Organized Under  
the Laws of the State of New York, Arizona  
Copper Estate, a Corporation, Organized  
Under the Laws of Arizona, James W. Vroom,  
Jane Doe Vroom, John Watts, Jane Doe  
Watts, Cornelius C. Watts, Jane Doe Watts,  
Dabney C. T. Davis, Jane Doe Davis, Daisy  
Belle Bouldin, James E. Bouldin, Jane Doe  
Bouldin, J. E. Wise and Lucia Wise, His  
Wife, and Albert Steinfeld and Henry F.  
Guerin, Receivers,

Defendants.

Action brought in the Superior Court of Santa Cruz, County, State of Arizona, and the Complaint Filed in Said County of Santa Cruz, in the Office of the Clerk of Said Superior Court.

In the Name of the State of Arizona, to The Alto Copper Company, The Consolidated Mines, Smelter & Transportation Company, Alexander I. McLeod, L. J. Williams, Wilbur L. Davis, The Santa Rita Company, Arizona Copper Estate, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, [56] Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, and Henry F. Guerin, Defendants, GREETING:

You are hereby summoned and required to appear in an action brought against you by the above-named plaintiff in the Superior Court of Santa Cruz County, State of Arizona, and answer the complaint therein filed with the Clerk of said Court, at Nogales, in said county, within twenty days after the service upon you of this summons, if served in this said county, or in all other cases within thirty days thereafter. The times above mentioned being exclusive of the days of service, or judgment by default will be taken against you.

Given under my hand and seal of the Superior Court of Santa Cruz County, State of Arizona, this 17th day of April, 1913.

[Seal]

EDW. L. MIX,  
Clerk of Said Superior Court.



In the Superior Court in and for the County of  
Santa Cruz, State of Arizona.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector in and for  
the County of Santa Cruz in the State of Ari-  
zona,

Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines & Smelter Company,  
a Corporation, The Consolidated Mines,  
Smelter & Transportation Company, a Cor-  
poration, Alexander I. McLeod, L. J.  
Williams, and Wilbur L. Davis, Constituting  
the Bondholders' Committee of the said The  
Alto Copper Company and of the said The  
Santa Cruz Mines & Smelter Company; The  
Santa Rita Company, a Corporation, Organ-  
ized Under the Laws of the State of New  
York, Arizona Copper Estate, a Corporation,  
Organized Under the Laws of Arizona, James  
W. Vroom, Jane Doe Vroom, John Watts,  
Jane Doe Watts, Cornelius C. Watts, Jane  
Doe Watts, Dabney C. T. Davis, Jane Doe  
Davis, Daisy Belle Bouldin, James E. Bouldin,  
Jane Doe Bouldin, J. E. Wise and Lucia  
Wise, his Wife, and Albert Steinfeld and  
Henry F. Guerin, Receivers,

Defendants.

## AFFIDAVIT OF PUBLICATION.

State of Arizona,  
County of Santa Cruz,—ss.

R. R. Earhart being first duly sworn deposes and says that he is the plaintiff in the above-entitled action, and that he caused the summons in the above-entitled action to be published in the "Border Vidette," a newspaper of general circulation printed and published in the town of Nogales, Santa Cruz County, State of Arizona, and that the same was published on the following days in the said paper, to wit: The first publication being on the 3d day of May, 1913, the second publication being on the 10th day of May, 1913, the third publication being on the 17th day of May, 1913; the fourth publication being on the 24th day of May, 1913, and the fifth and last publication being on the 31st day of May, 1913, and that the affidavit hereto attached is the affidavit of the publisher of the said paper referring to aforesaid publications.

RAYMOND R. EARHART.

Subscribed and sworn to before me this 3d day of June, 1913.

[Seal]

EDW. L. MIX,  
Clerk of the Superior Court.

[Endorsed on back]: Affidavit of Publication.  
Filed this 3d day of June, 1913. Edw. L. Mix, Clerk  
of the Superior Court. [58]

In the Superior Court of the County of Santa Cruz, State of Arizona.

THE STATE OF ARIZONA at the relation and to the use of RAYMOND R. EARHART, Treasurer and *Ex-officio* Tax Collector in and for the County of Santa Cruz, in the State of Arizona,

Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation, et al.,

Defendants.

AFFIDAVIT OF MAILING SUMMONS AND COMPLAINT.

State of Arizona,  
County of Santa Cruz,—ss.

Raymond R. Earhart, being first duly sworn, upon oath deposes and says, that he is the plaintiff in the above-entitled action, and of twenty-one years and upwards. That on the sixth day of September, A. D. 1913, he deposited in the general postoffice at Nogales, Arizona, with the postage fully prepaid thereon, envelopes containing true copies of the summons and complaint in the above-entitled action, directed as follows:

To the defendant corporation, The Alto Copper Company, C. E. Prior, Secretary, 43 Exchange Place, New York City, the same being the supposed office of the secretary of said corporation.

To the defendant corporation, The Consolidated Mines, Smelter & Transportation Company, C. E. Prior, Secretary, 43 Exchange Place, New York City, the same being the supposed office of the secretary of said corporation.

To the defendant corporation, the Santa Cruz Mines and Smelter Company, C. E. Prior, Secretary, 43 Exchange Place, New York City, the same being the supposed office of the Secretary of said Corporation.

RAYMOND R. EARHART.

Subscribed and sworn to before me this sixth day of September, 1913.

[Seal]

EDW. L. MIX,

Clerk of the Superior Court.

[Endorsed on back]: Affidavit. Filed Sept. 8, 1913. Edw. L. Mix, Clerk. [59]

Superior Court, Santa Cruz County. Arizona.

STATE OF ARIZONA ex rel. and to the Use of  
R. R. EARHART, County Treasurer, etc.,  
Plaintiff,

vs.

ALTO COPPER COMPANY et al.,  
Defendants.

AFFIDAVIT OF G. H. BREVILLIER.

State, City and County of New York,—ss.

G. H. Brevillier, being first duly sworn, deposes and says: I am an attorney and counsellor at law,

duly admitted to practice in the courts of the State of New York, and am the counsel for the defendant Vroom in the above-entitled action. That in behalf of said defendant and the defendant John Watts, a demurrer was interposed by George W. Lewis, Esq., as their attorney of record.

That on the 16th inst., I received a telegram from said Lewis advising me and my clients for the first time that the demurrer had been set for hearing at Nogales on the 20th inst., and that he could not act for said defendants at the hearing thereof, because he had been appointed Clerk of the United States District Court for Arizona. I thereupon immediately telegraphed to the Hon. F. J. Duffy, Judge of the above court, as follows:

“In tax suit against Alto Copper Company and others just learned *be* telegram that George W. Lewis, who filed demurrer for two of defendants had been appointed Clerk United States District Court and could no longer act, and that demurrer had been set for hearing Saturday. Kindly adjourn hearing for one month to enable parties to get local counsel and familiarize him with situation. Case may involve Baca Float questions. Kindly wire me night letter collect.”

This morning I received from Judge Duffy a telegram reading as follows: “Hearing of demurrer in tax suit against Alto Copper Company and others was set for September twentieth after being advised by Mr. Lewis that ten days notice sufficient time. Defendants insist on hearing. Suggest you [60] take matter up with O’Connor. Showing for

further continuance will be necessary if hearing urged."

I thereupon wired to Judge Duffy as follows:

"Thanks for telegram. Received by telegraph on sixteenth instant from Lewis first word of hearing on twentieth and his inability to act. One months time absolutely necessary to enable demurrants to employ new counsel and familiarize him and to substitute and add parties defendant. Practically no delay because service by publication on three mining corporation defendants completed about ten days ago by mailing papers to their officers. Have mailed affidavit to above facts."

I also telegraphed to-day to Hon. William A. O'Connor, attorney for the plaintiff herein, at Nogales, Arizona, as follows:

"Please consent to adjournment hearing Alto tax suit one month to allow time to employ new counsel and familiarize him with case. Did not know of hearing and inability of Lewis to act until Wednesday. Court has notice of this and refusal of adjournment would be reversible on appeal. In reality no delay as service by publication on three defendants with offices here not complete until mailing papers to them about ten days ago. Please answer quick collect."

I am advised by Mr. C. E. Prior, of this city, who is an officer of the three mining corporations who are parties defendant in this action, that a copy of the summons and complaint in this action was first mailed to said three defendant corporations from Nogales on or about the 9th inst., in a service

by publication. Consequently, an adjournment of the hearing on the demurrer will not prejudice the plaintiff, as the plaintiff cannot take judgment against said three corporation defendants until sixty days from the date of mailing of said papers by his attorney, namely: not before the early part of November, 1913. [61]

It is absolutely necessary for an adjournment of the hearing on the demurrer in order to enable my clients to employ a new counsel in Arizona, and to familiarize him with their case, and to confer with him with reference to this action.

The demurrer was interposed in the early part of July and over two and one-half months elapsed before the plaintiff sought to have it tried.

That said adjournment is asked for in good faith and for the purpose of allowing my clients an opportunity to defend this action.

G. H. BREVILLIER.

Sworn to and subscribed before me this 19th day of September, 1913.

[Seal] ADELA M. MASTERSON.

Notary Public, Kings Co., No. 228, Reg. No. 7164

Cert. Filed in New York Co. 88, Reg. No. 522.

Term Expires March 30, 1915.

[Endorsed on back]: Affidavit. Filed Sept. 23, 1913. Edw. L. Mix, Clerk. [62]

In the Superior Court of Santa Cruz County, State  
of Arizona.

No. 155.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treasurer  
and *Ex-officio* Tax Collector in and for the  
County of Santa Cruz in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
et al.,

Defendants.

REQUEST FOR DEFAULT.

To Hon. Edward L. Mix, Clerk of the Above-  
entitled Court:

Service of summons having been had in the  
above-entitled action as appears by the Sheriff's  
return thereof and the affidavits of mailing and  
publication thereof, and no answer or other ap-  
pearance, demurrer or motion having been filed  
for or on behalf of any of the defendants above-  
named, you will please enter the default of said  
defendants in said action.

W. A. O'CONNOR,  
Attorney for Plaintiff.

[Endorsed on back]: Request for Default. Filed  
Oct. 16th, 1913. Edw. L. Mix, Clerk. [63]



In the Superior Court of Santa Cruz County, State  
of Arizona.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treasurer  
and *Ex-officio* Tax Collector in and for the  
County of Santa Cruz, State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
et al.,

Defendants.

#### DEFAULT.

In this action the defendants The Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Company, a corporation, The Consolidated Mines, Smelter & Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and of the said The Santa Cruz Mines & Smelter Company; the Santa Rita Company, a corporation, Arizona Copper Estate, a corporation, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, his wife, and Albert Steinfeld, and Henry F. Guerin, Receivers, having been regularly served with process, and having failed to appear and answer the Plaintiff's com-

plaint on file herein, and the time for answering allowed by law having expired.

Therefore upon application of plaintiff, the default of the defendants above named in the premises is hereby duly entered according to law.

Given under my hand and seal of the Superior Court of Santa Cruz County, State of Arizona, this 16th day of October, 1913.

[Seal]

EDW. L. MIX,  
Clerk.

By \_\_\_\_\_,  
Deputy Clerk.

[Endorsed on back]: Default. Filed October 16th, 1913. Edw. L. Mix, Clerk. [64]

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In the Superior Court of Santa Cruz County, State of Arizona.

#155.

STATE OF ARIZONA, at the Relation and to the Use of RAYMOND R. EARHART, Treasurer and *Ex-Officio* Tax Collector of Santa Cruz County in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation, The Santa Cruz Mines and Smelter Company, a Corporation, The Consolidated Mines, Smelter and Transportation Company, a Corporation, Alexander I. McLeod,

L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee and of the Said The Alto Copper Company and the Said The Santa Cruz Mines and Smelter Company; The Santa Rita Company, a Corporation, Organized Under the Laws of the State of New York; Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona; James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, His Wife, and Alfred Steinfeld and Henry F. Guerin, Receivers,  
Defendants.

#### JUDGMENT.

This cause came on regularly for trial on this 5th day of December, A. D. 1913, Frank J. Duffy, Esq., appearing as attorney for the plaintiff, and the defendants not appearing either in person or by counsel, and the defendants having been regularly served with process, and having failed to appear or answer the plaintiff's complaint herein, and the legal time for answering having expired, and the default of the said defendants in the premises having been duly entered according to law; and a jury having been waived, the cause was tried before the Court sitting without a jury, whereupon, evidence was introduced, and the evidence being closed, the cause was submitted to the Court for its delibera-

tion and decision; and the Court having heard all the evidence [65] submitted and having carefully considered the same, and being fully advised in the premises, finds in favor of the plaintiff and against the defendants in the sum of three thousand two hundred and forty-one and 35/100 (\$3,241.35) dollars, and ordered judgment to be entered in accordance herewith. It is therefore

ORDERED, ADJUDGED AND DECREED, that taxes of the State of Arizona and County of Santa Cruz are due upon the following described property and the improvements thereon, to wit: The following patented mines situate in the Tyn-dall Mining District, Santa Cruz County, Arizona, known as the "Alto Group," viz.:

MINERAL WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 76, Records of Santa Cruz County, Arizona;

ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58, Records of Santa Cruz County, Arizona;

ALBERT No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 73, Records of Santa Cruz County, Arizona;

OAK, the location notice of which is recorded in Book 1 of Mining Locations, at page 52, Records of said Santa Cruz County, Arizona;

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188, Records of said Santa Cruz County, Arizona;

OPHIR No. 2, the location notice of which is

recorded in Book 5 of Mining Locations, at page 189, Records of said Santa Cruz County, Arizona;

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93, Records of said Santa Cruz County, Arizona;

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85, Records of said Santa Cruz County, Arizona;

HILL SIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160, Records of said Santa Cruz County, Arizona;

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86, Records of said Santa Cruz County, Arizona;

DONAU, the location notice of which is recorded in [66] Book 1 of Mining Locations, at page 88, Records of Santa Cruz County, Arizona;

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162, Records of said Santa Cruz County, Arizona;

RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191, Records of said Santa Cruz County, Arizona;

ALBION, the location notice of which is recorded in Book 1 of Mining Locations, at page 54, Records of said Santa Cruz County, Arizona;

STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations, at page 56, Records of said Santa Cruz County, Arizona;

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at

page 80, Records of said Santa Cruz County, Arizona;

ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81, Records of said Santa Cruz County, Arizona;

ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82, Records of said Santa Cruz County, Arizona;

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations, at page 84, Records of said Santa Cruz County, Arizona;

MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations, at page 50, Records of said Santa Cruz County, Arizona;

MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 74, Records of said Santa Cruz County, Arizona.

United States patents for all of said last mentioned mining claims being of record in the county recorder's office of the said county of Santa Cruz, State of Arizona; and personal property valued at \$2,200.00, which is attached to and included in the assessment levied upon the "Excelsior West" patented mine. That the amount of taxes and interest due upon each of said patented mining claims, and said personal property, and the years for which the same [67] are due, up to the date hereof, are as follows:

Property	Year	Taxes	Int.
MINERAL WEST	1910	\$ 16.00	\$ 5.60
ALBERT	"	16.00	5.60
ALBERT No. 2	"	16.00	5.60

OAK	“	16.00	5.60
OPHIR No. 2	“	16.00	5.60
EXCELSIOR WEST	“	112.00	39.20
EXCELSIOR	“	16.00	5.60
HILLSIDE	“	16.00	5.60
BUENA VISTA	“	16.00	5.60
DONAU	“	16.00	5.60
GREAT EASTERN	“	16.00	5.60
RECORD	“	16.00	5.60
ALBION	“	16.00	5.60
STEINFELD	“	16.00	5.60
ALTO	“	128.00	44.80
ALTO EAST	“	16.00	5.60
GRAND PRIZE	“	16.00	5.60
OPHIR No. 1	“	16.00	5.60
MINERAL No. 1	“	16.00	5.60
MINERAL No. 2	“	16.00	5.60
STEINFELD WEST	“	16.00	5.60
MINERAL WEST	1911	22.40	5.15
ALBERT	“	22.40	5.15
ALBERT No. 2	“	22.40	5.15
OAK	“	22.40	5.15
OPHIR No. 2	“	18.42	4.23
EXCELSIOR WEST	“	141.60	32.57
EXCELSIOR	“	22.40	5.15
HILLSIDE	“	22.40	5.15
BUENA VISTA	“	14.17	3.26
DONAU	“	22.40	5.15
GREAT EASTERN	“	22.40	5.15
RECORD	“	22.40	5.15
ALBION	“	22.40	5.15
STEINFELD	“	22.40	5.15

STEINFELD WEST	“	22.40	5.15
ALTO	“	128.00	29.44
ALTO EAST	“	22.40	5.15
GRAND PRIZE	“	22.40	5.15
OPHIR No. 1	“	8.21	1.89
MINERAL No. 1	“	22.40	5.15
MINERAL No. 2	“	22.40	5.15

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Carried Forward		\$1,212.80	\$344.19
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[68]

	Carried Forward	\$1,212.80	\$344.19
MINERAL WEST	1912	28.00	3.08
ALBERT	“	28.00	3.08
ALBERT No. 2	“	28.00	3.08
OAK	“	28.00	3.08
OPHIR No. 2	“	23.02	2.53
EXCELSIOR WEST	“	87.00	9.57
EXCELSIOR	“	28.00	3.08
HILLSIDE	“	28.00	3.08
BUENA VISTA	“	17.71	1.95
DONAU	“	28.00	3.08
GREAT EASTERN	“	28.00	3.08
RECORD	“	28.00	3.08
ALBION	“	28.00	3.08
STEINFELD	“	28.00	3.08
STEINFELD WEST	“	28.00	3.08
ALTO	“	240.00	26.40
ALTO EAST	“	28.00	3.08
GRAND PRIZE	“	28.00	3.08
OPHIR No. 1	“	10.26	1.13



MINERAL No. 1	“	28.00	3.08
MINERAL No. 2	“	28.00	3.08
		\$2,038.79	\$435.05

That the amount of taxes and interest due upon all of the said above-described property, are as follows, to wit: Amount of taxes due, two thousand and thirty-eight and 79/100 (\$2,038.79) dollars, and the amount of interest due, four hundred and thirty-five and 05/100 (\$435.05) dollars. And it is further

ORDERED, ADJUDGED AND DECREED, that the plaintiff do have and recover of and from the said defendants the sum of two thousand four hundred and Seventy-three and 84/100 (\$2,473.84) dollars, being the amount of taxes and interest due on the above and foregoing described property; that plaintiff do have and recover of and from the said defendants the further sum of one hundred and eight and 15/100 (\$108.15) dollars, being the amount of clerk's fees and penalties on the said taxes, together with the additional sum of six hundred and fifty-four and 36/100 (\$654.36) dollars, being costs of suit including attorney [69] fees, as provided by law, aggregating the total sum of three thousand two hundred and forty-one and 35/100 (\$3,241.35) dollars, and also all accruing costs and interest; and that the lien of the State of Arizona be enforced, and all equities foreclosed upon the within and foregoing described property, and that said property or so much thereof as may

be necessary to satisfy this judgment, with all costs, interest and charges, be sold according to law.

LET EXECUTION ISSUE.

Done in open court this 5th day of December, A. D. 1913.

CARL G. KROOK,  
Judge Presiding.

[Endorsed on back]: Judgment. Filed December 15, 1913. Edw. L. Mix, Clerk. Docketed. Recorded Book 1, Pages 152-3-4-5-6 and 7. [70]

State of Arizona,  
County of Santa Cruz,—ss.

I, Edward L. Mix, Clerk of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, do hereby certify that the within is a full, true and correct judgment-roll, as appears of record in the case of State of Arizona ex rel. Raymond R. Earhart, treasurer and *ex-officio* tax collector, Santa Cruz County, plaintiff, vs. The Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Company, a corporation, et al., defendants. No. 155.

WITNESS my hand and seal of the said Court at Nogales, this 15th day of December, A. D. 1913.

[Seal]

EDW. L. MIX,  
Clerk.

[Endorsed on back]: Judgement-roll. Filed December 15th, 1913. Edw. L. Mix, Clerk. [71]

In the Superior Court of the State of Arizona, in  
and for the County of Santa Cruz.

RAYMOND R. EARHART, Treasurer and *Ex-Officio* Tax Collector, in and for the County  
of Santa Cruz, Arizona,

Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corpora-  
tion; The Santa Cruz Mines & Smelter Com-  
pany, a Corporation; The Consolidated  
Mines, Smelter & Transportation Company,  
a Corporation; Alexander I. McLeod, L. J.  
Williams and Wilbur L. Davis, Constituting  
the Bondholders' Committee of the Said The  
Alto Copper Company and of the Said The  
Santa Cruz Mines & Smelter Company; the  
Santa Rita Company, a Corporation Organ-  
ized Under the Laws of the State of New  
York, Arizona Copper Estate, a Corporation  
Organized Under the Laws of Arizona,  
James W. Vroom, Jane Doe Vroom, John  
Watts, Jane Doe Watts, Cornelius Watts,  
Jane Doe Watts, Dabney C. T. Davis, Jane  
Doe Davis, Daisey Belle Bouldin, James E.  
Bouldin, J. E. Wise, and Lucia Wise, His  
Wife, and Albert Steinfeld, and Henry F.  
Guerin, Receiver,

Defendants.

## RETURN OF SALE.

KNOW ALL MEN BY THESE PRESENTS, That I, W. S. McKnight, sheriff of Santa Cruz County, Arizona, do hereby certify that under and by virtue of the annexed judgment and execution issued out of and under the seal of the above-entitled court, and in the above-entitled cause, and to me as such sheriff, as aforesaid, duly directed and delivered on the 19 day of March, 1914, wherein and whereby I was commanded to sell the real estate and premises therein described, to satisfy the amount of the judgment filed and docketed in the above-entitled cause, and to me as on the 15 day of December, 1913, and which said judgment amounted to the sum of three thousand two hundred and forty-one and  $35/100$  Dollars together with costs amounting to four hundred and forty and  $30/100$  dollars, and together with interest thereon from said date until [72] paid, and all as set forth in said judgment and execution, and all costs and accruing costs and interest, including costs of sale;

That I duly levied upon all of the right, title and interest of the Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Company, a corporation, The Consolidated Mines, Smelter & Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and of the said The Santa Cruz Mines & Smelter Company, The Santa Rita Company, a corporation organized

under the laws of the State of New York, Arizona Copper Estate, a corporation, organized under the laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, his wife, and Albert Steinfeld and Henry F. Guerin, receivers, defendants, and each and all thereof, as the same existed at the dates of the attachment of the liens for the taxes included in said judgment, and as the same existed at the date of the rendition of said judgment and at the date of the levy of said execution and at any time since upon the property and real estate as follows, to wit:

Those certain lode mining claims situate in the Tyndall Mining District, Santa Cruz County, Arizona, known as the Alto Group of Mines, to wit:

Mineral West, the location notice of which is recorded in Book 1 of Mining Locations, page 76;

Albert, the location notice of which is recorded in Book 1 of Mining Locations, page 58;

Albert No. 2, the location notice of which is recorded in Book 1 of Mining Locations, page 73;

The Oak, the location notice of which is recorded in Book 1 of Mining Locations, page 52;

Ophir No. 1, the location notice of which is recorded in Book 5 of Mining Locations, page 188;

Ophir No. 2, the location notice of which is recorded in Book 5 of Mining Locations, page 189;

Excelsior West, the location notice of which is recorded in Book 1, Mining Locations, page 93;

Excelsior, the location notice of which is recorded in Book 1 of Mining Locations, page 85;

Hillside, the location notice of which is recorded in Book 2 of Mining Locations, page 160;

Buena Vista, the location notice of which is recorded in Book 1 of Mining locations, page 86;

Donau, the location notice of which is recorded in Book 1 of Mining locations, page 88;

Great Eastern, the location notice of which is recorded in Book 2 of Mining Locations, page 162;

Record, the location notice of which is recorded in Book 5 of Mining Locations, page 191;

Albion, the location notice of which is recorded in Book 1 of Mining Locations, page 54;

Steinfeld, the location notice of which is recorded in Book 1 of Mining Locations, page 56;

Steinfeld West, the location notice of which is recorded in Book 1 of Mining Locations, page 80;

Alto, the location notice of which is recorded in Book 1 of Mining Locations, page 81;

Alto East, the location notice of which is recorded in Book 1 of Mining Locations, page 82;

Grand Prize, the location notice of which is recorded in Book 1 of Mining Locations at page 84;

Mineral No. 1, the location notice of which is recorded in Book 1 of Mining Locations, at page 50;

Mineral No. 2, the location notice of which is recorded in Book 1 of Mining Locations, page 74.

The foregoing descriptions should be construed

as follows: book and page of mining locations, in the office of the county recorder of the said county of Santa Cruz, Arizona. Application for United States Patent has been made upon each and all of the hereinabove described mines and mining claims, and final receipt has issued, but the patents have as yet not been issued;

Together with all and singular the rights and appurtenances thereto and therein, or in otherwise appertaining or belonging;

That I made said levy by filing a copy of said judgment and said execution with the levy endorsed thereon and the description [74] of the property, in the office of the county recorder of the said county of Santa Cruz, and advertised said sale according to law in the "Oasis," a newspaper published weekly in the city of Nogales, said county, for more than twenty-one days prior to the date fixed for sale, according to the certificate of the foreman, Michael Behan, of said newspaper hereto attached and by reference made a part hereof, and the notice of said sale was posted by me in three public places in the county of Santa Cruz, one of which places was at the courthouse door of the courthouse of said county for more than three weeks before the date of said sale, and all as required by law; that said sale was originally noticed to take place on the 21st day of April, 1914, at the hour of eleven o'clock in the forenoon and at the West door of the courthouse of the said county of Santa Cruz; that at said time I attended at said place, and for good and sufficient cause duly post-

poned said sale until the 22d day of June, 1914, at the hour of eleven o'clock in the forenoon; that on the 22d day of June, 1914, I attended at said place and time and for good and sufficient cause duly postponed said sale until the 29th day of June, 1914, at the hour of eleven o'clock in the forenoon at the same place. That I duly noted upon the posted notices of said sale the said respective adjournments and that the publication of said notice of sale was duly continued and each postponement duly noted in said publication; that in pursuance to said judgment and execution and notice of sale I attended said sale at the hour of eleven o'clock in the forenoon on the 29th day of June, 1914, at the West door of the courthouse of the said county of Santa Cruz, in the city of Nogales, and did there and then offer this property for sale, first offering the same in separate lots or parcels, and that I did sell said property in manner following to Samuel F. Noon, he being the best and highest bidder for same, that is to say that I did sell to the said Samuel F. Noon the Mineral West, the location notice of which is recorded in Book 1 of Mining Locations, at page 76, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.

ALBERT No. 2, the location notice of which is recorded in [75] Book 1 of mining locations at page 73, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.



ALBERT, the location notice of which is recorded in Book 1 of Mining Locations at page 58, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations at page 80, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations at page 189, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations at page 188, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations at page 86, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

DONAU, the location notice of which is recorded in Book 1 of Mining Locations at page 88, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations at page

162, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations at page 84, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

RECORD, the location notice of which is recorded in Book 5 of Mining Locations at page 191, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations at page 160, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

ALTO, the location notice of which is recorded in Book 1 of Mining Locations at page 81, records of Santa Cruz County, Arizona, for the sum and price of One Thousand Dollars, gold coin of the United States.

That after selling the above, I continued to offer the said property in parcels until I had offered the whole thereof, and did receive no bid for the same;

That thereupon I offered all of the remainder of said property not [76] sold as aforesaid, to wit:

OAK, the location notice of which is recorded in Book 1, of Mining Locations, at page 52; EXCELSIOR WEST, the location notice of which is re-

corded in Book 1 of mining locations at page 93; EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations at page 85; ALBION, the location notice of which is recorded in Book 1 of Mining Locations at page 54; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations at page 56; ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations at page 82; MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations at page 50; and MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations at page 74, all of said records being records of Santa Cruz County, Arizona, for the sum and price of two thousand three hundred and sixteen dollars and sixty-five cents (\$2316.65), in one lot and sold the same to the said Samuel F. Boon, he being the highest and best bidder for same, for the sum of two thousand three hundred and sixteen and 65/100 dollars cash, making a total amount received from the sale of all of said properties from the sale to Samuel F. Noon, of three thousand six hundred and ninety-one and 65/100 dollars; that the said Samuel F. Noon has paid to me in lawful money the said sum of three thousand six hundred and ninety-one and 65/100 Dollars, and I have issued and delivered to him a certificate of sale of said property, and have filed a copy thereof in the office of the recorder of the said county of Santa Cruz; that I return this execution fully satisfied.

Dated this 29th day of June, 1914.

W. S. McKNIGHT,  
 Sheriff of Santa Cruz County, Arizona.  
 By I. Burgoon,  
 Deputy. [77]

### AFFIDAVIT OF PUBLICATION.

State of Arizona,  
 County of Santa Cruz,—ss.

Michael Behan, being duly sworn, affirms that he is foreman the "Oasis," a weekly newspaper, published at Nogales, Santa Cruz County, State of Arizona, and that the annexed notice or advertisement was published in said newspaper once in each week for 14 consecutive weeks, to wit: Notice by sheriff, execution, State of Arizona, at relation and use of R. R. Earhart, etc., vs. Alto Copper Company et al., the first publication being March 28th, 1914, and continued during the entire period of publication in each and every issue of said newspaper, and not in a supplement thereof, and the last publication being on June 27th, 1914, with notice of postponement as appears.

MICHAEL BEHAN,  
 Foreman of the "Oasis."

State of Arizona,  
 County of Santa Cruz,—ss.

Personally appeared before me, Allen T. Bird, notary public in and for Santa Cruz County, State of Arizona, this 27th day of June, A. D. 1914, Michael Behan, foreman of the "Oasis," who being

duly sworn, deposes and says that the allegations set forth above are true.

[Seal]

ALLEN T. BIRD,  
Notary Public.

[Endorsed on back]: State of Arizona \$112.00.  
[78]

(Notice or advertisement as it appeared in the "Oasis," the weekly newspaper published in Nogales, Santa Cruz County, Arizona.)

In the Superior Court of the County of Santa Cruz,  
State of Arizona.

No. 156.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector of Santa  
Cruz County in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines and Smelter Company,  
a Corporation, The Consolidated Mines, Smel-  
ter and Transportation Company, a Corpora-  
tion, Alexander I. McLeod, L. J. Williams  
and Wilbur L. Davis, Constituting the Bond-  
holders' Committee of the said The Alto Cop-  
per Company and the said The Santa Cruz  
Mines and Smelter Company; The Santa  
Rita Company, a Corporation Organized  
Under the Laws of the State of New York;

Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona; James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, His Wife, and Albert Steinfeld and Henry F. Guerin, Receivers,  
Defendants.

#### NOTICE OF SALE BY SHERIFF.

Under and by virtue of an execution issued out of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, on the 19th day of March, 1914, in the above-entitled action, wherein the State of Arizona, at the relation and to the use of Raymond R. Earhart, treasurer and *ex-officio* tax collector of Santa Cruz County in the State of Arizona, plaintiff, obtained a judgment against the Alto Copper Company, a corporation, The Santa Cruz Mines & Smelter Company, a corporation, the Consolidated Mines, Smelter and Transportation Company, a corporation, and Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and the said The Santa Cruz Mines and Smelter Company, the Santa Rita Company, a corporation, Arizona Copper Estate, a corporation, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, his wife, and

Albert Steinfeld, and Henry F. Guerin as receivers of said corporations, and said committee, the above defendants and each and all thereof, on the [79] 5th day of December, 1913, for the sum of \$3,241.35, together with interest on the sum of \$2038.79 thereof, from date, at the rate of twelve per cent per annum from said date until paid and upon the remainder of said judgment at the rate of six per cent per annum from said date until paid, and costs at the date of said judgment taxed at the sum of \$—, and accruing costs, and which said judgment was duly entered and recorded on the 15th day of December, 1913, in the judgment book of docket of said court, I am commanded to sell, and have this day levied upon all of the right, title, interest, claim, demand and property of the said defendants, and each and all thereof, and as the same existed at the time of the rendition and entry of said judgment as aforesaid, or any subsequent date, and now, in and to the following described property, to wit:

Those certain United States patented mines or mining claims situate in the Tyndall Mining District, Santa Cruz County, State of Arizona, known as the "Alto Group," to wit:

MINERAL WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 76;

ALBERT, the location notice of which is recorded in Book 1 of Mining Locations at page 58;

ALBERT No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 73;

OAK, the location notice of which is recorded in Book 1 of Mining Locations at page 52;

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations at page 188;

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations at page 189;

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations at page 93;

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations at page 85;

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations at page 160;

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations at page 86;

DONAU, the location notice of which is recorded in Book 1 of Mining Locations at page 88;

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations at page 162; [80]

RECORD, the location notice of which is recorded in Book 5 of Mining Locations at page 191;

ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations at page 54;

STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations at page 56;

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations at page 80;

ALTO, the location notice of which is recorded in Book 1 of Mining Locations at page 81;



ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations at page 82;

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations at page 84;

MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations at page 50;

MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations at page 74;

The foregoing descriptions should be construed as follows:

Book and page of mining locations in the office of the county recorder of the said county of Santa Cruz, Arizona.

Applications for United States Patents have been made upon each and all of the hereinabove described mines and mining claims, and final receipt has issued but the patents have as yet not been issued.

PUBLIC NOTICE IS HEREBY GIVEN, that on Tuesday, the 21st day of April, A. D. 1914, at eleven o'clock in the forenoon of that day, in front of the courthouse door of the county of Santa Cruz, Arizona, I will in obedience to said execution, sell the above described property, or so much thereof as may be necessary to satisfy said judgment, interest and costs to the highest bidder for cash.

Dated this 19th day of March, A. D. 1914.

W. S. McKNIGHT,

Sheriff of Santa Cruz County, Arizona.

By I. Burgoon,

Deputy.

First publication March 28th, 1914.

Last publication April 18, 1914. [81]

## POSTPONEMENT No. 1.

Notice is hereby given that the above advertised sale has been postponed until Monday, June 22d, 1914, at the same hour of that day, and at the same place as specified in the foregoing notice.

W. S. McKNIGHT,  
Sheriff.

By I. Burgoon,  
Deputy Sheriff.

Dated at Nogales, Arizona, April 1, 1914.

## POSTPONEMENT No. 2.

Notice is hereby given that the above advertised sale is postponed further until Monday, June 29, 1914, at the same hour of the day and the same place specified in the original notice of sale.

W. S. McKNIGHT,  
Sheriff.

By I. Burgoon,  
Deputy Sheriff.

Dated at Nogales, Arizona, June 22, 1914. [82]

In the Superior Court of the County of Santa Cruz,  
State of Arizona.

No. 155.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector of Santa  
Cruz County in the State of Arizona,  
Plaintiffs,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines and Smelter Company,

a Corporation, The Consolidated Mines, Smelter and Transportation Company, a Corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee of the said The Alto Copper Company, and the said The Santa Cruz Mines and Smelter Company; the Santa Rita Company, a Corporation Organized Under the Laws of the State of New York, Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona; James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, and Lucia Wise, His Wife, and Albert Steinfeld and Henry F. Guerin, Receivers,

Defendants.

EXECUTION.

The State of Arizona, to the Sheriff of the County of Santa Cruz, GREETING:

WHEREAS, on the 5th day of December, A. D. 1913, the State of Arizona, at the relation and to the use of Raymond R. Earhart treasurer and *ex-officio* tax collector, in and for the county of Santa Cruz, State of Arizona, plaintiff, recovered a judgment in the Superior Court of the State of Arizona, in and for the county of Santa Cruz, against the Alto Copper Company, a corporation, The Santa Cruz Mines and Smelter Company, a corporation, The Consolidated Mines, Smelter and

Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams, and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company, and the said The Santa Cruz Mines and Smelter Company, The Santa Rita Company, Arizona Copper Estate, a corporation, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe [83] Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, Lucia Wise, and Albert Steinfeld and Henry F. Guerin, receivers, for the sum of \$3,241.35, together with interest on the sum of \$2038.79 thereof, from date, at the rate of twelve per cent per annum until paid, and upon the remainder of said judgment at the rate of six per cent per annum from said date until paid, and costs at the date of said judgment, taxed at the sum of \$—, and accruing costs, and also a decree foreclosing the lien of the said State of Arizona, for taxes upon all the property in said judgment set forth and described, and hereinafter fully set forth and described, to wit:

The following patented mines situate in the Tyndall Mining District, Santa Cruz County, State of Arizona, known as the "Alto Group," viz.:

MINERAL WEST, the location notice of which is recorded in book 1 of mining locations, at page 76, records of Santa Cruz County, Arizona;

ALBERT, the location notice of which is recorded in book 1 of mining locations at page 76, records of Santa Cruz County, Arizona;

ALBERT No. 2, the location notice of which is recorded in book 1 of mining locations at page 73, records of Santa Cruz County, Arizona;

OAK, the location notice of which is recorded in book 1 of mining locations, at page 52, records of Santa Cruz County, Arizona;

OPHIR No. 1, the location notice of which is recorded in book 5 of mining locations, at page 188, records of Santa Cruz County, Arizona;

OPHIR No. 2, the location notice of which is recorded in book 5 of mining locations at page 189, records of Santa Cruz County, Arizona;

EXCELSIOR WEST, the location notice of which is recorded in book 1 of mining locations at page 93, records of Santa Cruz County, Arizona;

EXCELSIOR, the location notice of which is recorded in book 1 of mining locations at page 85, records of Santa Cruz County, Arizona;

HILLSIDE, the location notice of which is recorded in book 2 of mining locations at page 160, records of Santa Cruz County, Arizona;

BUENA VISTA, the location notice of which is recorded [84] in book 1 of mining locations, at page 86, records of Santa Cruz County, Arizona;

DONAU, the location notice of which is recorded in book 1 of mining locations at page 88, records of Santa Cruz County, Arizona;

GREAT EASTERN, the location notice of which is recorded in book 2 of mining locations at page 162, records of Santa Cruz County, Arizona;

RECORD, the location notice of which is recorded

in book 5 of mining locations at page 191, records of Santa Cruz County, Arizona;

ALBION, the location notice of which is recorded in book 1 of mining locations at page 54, records of Santa Cruz County, Arizona;

STEINFELD, the location notice of which is recorded in book 1 of mining locations at page 56, records of Santa Cruz County, Arizona;

STEINFELD WEST, the location notice of which is recorded in book 1 of mining locations at page 80, records of Santa Cruz County, Arizona;

ALTO, the location notice of which is recorded in book 1 of mining locations at page 81, records of Santa Cruz County, Arizona;

ALTO EAST, the location notice of which is recorded in book 1 of mining locations at page 82, records of Santa Cruz County, Arizona;

GRAND PRIZE, the location notice of which is recorded in book 1 of mining locations at page 84, records of Santa Cruz County, Arizona;

MINERAL No. 1, the location notice of which is recorded in book 1 of mining locations at page 50, records of Santa Cruz County, Arizona;

MINERAL No. 2, the location notice of which is recorded in book 1 of mining locations at page 74, records of Santa Cruz County, Arizona.

The foregoing description should be construed as follows: Book and page of mining locations in the office of the county recorder of the said county of Santa Cruz, Arizona. Application for United States Patents has been made upon each and all of the hereinabove described mines and mining claims,

and final receipt has issued, but the patents have as yet not been issued.

Also all personal property which was attached to and included in the assessment levied upon the "Excelsior West" patented mine;

All as appears to us of record and a copy of which judgment and decree is hereto annexed and made a part hereof; and

WHEREAS, the judgment-roll in the action in which said judgment is rendered is filed in the clerk's office in said court in the said [85] county of Santa Cruz, and the said judgment was docketed in the said clerk's office in the said county, on the 15th day of December, 1913, and the said sum of \$3,241.35 together with interest, as aforesaid, and together with plaintiff's costs amounting to the sum of \$——, is now at the date of this writ actually due on said judgment, and said foreclosure of said lien and order of sale.

NOW, YOU THE SAID SHERIFF ARE HEREBY REQUIRED AND COMMANDED to levy upon, advertise and sell the hereinabove described property or so much thereof as may be necessary to pay said judgment and subsequent costs and interest, the same as you might do under ordinary execution, and make return of this writ within sixty days after your receipt hereof, with what you have done endorsed hereon.

WITNESS, Hon. W. A. O'CONNOR, Judge of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, at the courthouse of said

county of Santa Cruz, this 19th day of March, A. D. 1914.

ATTEST, my hand and the seal of said Court the day and year last above written.

[Seal]

EDW. L. MIX,  
Clerk of Said Superior Court.

[Endorsed on back]: Writ of Execution. Filed July 9, 1914. Edw. L. Mix, Clerk. [86]

State of Arizona,  
County of Santa Cruz,—ss.

I, Edward L. Mix, clerk of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, do hereby certify that the foregoing is a full, true and correct copy of the judgment-roll, the execution and sale and of the entire record in Case No. 155, entitled State of Arizona ex rel., etc., plaintiff, vs. The Alto Copper Company, a Corporation, et al., defendants, as the same appears of record and on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court at Nogales, Arizona, this 20th day of February, 1918.

[Seal]

EDW. L. MIX,  
Clerk Superior Court.  
By Laura C. Mix,  
Deputy Clerk.

[Endorsed on back]: Pltfs. Exhibit 4. Marked for Identification Nov. 4th, 1919. "Certified Copy of Record." [87]



**Defendants' Exhibit No. 1.**

\$2.50 I. R. Stamps Cancelled.

“2/5/16. W. S. McK., Shff.”

THIS INDENTURE made the 5th day of February, in the year of our Lord nineteen hundred and sixteen (1916), between WILLIAM S. McKNIGHT, as Sheriff of the County of Santa Cruz, State of Arizona, party of the first part, and ALTO MINES COMPANY, a corporation duly organized and existing under the laws of the State of Arizona, party of the second part, WITNESSETH:

WHEREAS a certain final judgment or decree was duly made and entered in and by the Superior Court of the County of Santa Cruz, State of Arizona, on December 5, 1913, and being cause No. 156 in said Court, in which action the State of Arizona at the relation and to the use of Raymond R. Earhart, Treasurer and *ex-officio* Tax Collector in and for the County of Santa Cruz, State of Arizona, was plaintiff, and The Alto Copper Company, a corporation, The Santa Cruz Mines and Smelter Company, a corporation, The Consolidated Mines, Smelter and Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and the said The Santa Cruz Mines and Smelter Company; the Santa Rita Company, a corporation organized under the laws of the State of New York; Arizona Copper Estate, a corporation organized under the laws of Arizona; James W. Vroom, Jane

Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, and Lucia Wise, his wife, and Albert Steinfeld and Henry F. Guerin, as Receivers, were defendant, wherein and whereby the lien of the State of Arizona for certain taxes was directed to be enforced and [88] all equities foreclosed against the property specified in said judgment, and that said property or so much thereof as may be necessary to satisfy the judgment, with all costs, interest and charges be sold according to law, and which judgment then and there was fixed and liquidated at the sum of Three thousand two hundred forty-one  $\frac{31}{100}$  Dollars; and

WHEREAS said judgment was duly certified to the party hereto of the first part under the seal of said Court on March 19, 1914, and a writ of execution directed to such sheriff was duly issued, directed and delivered whereby he was commanded to sell the property described in said judgment according to law, and to apply the proceeds of such sale towards the indebtedness on said judgment or decree in said action which, with subsequent interest and costs amounted in all on June 29, 1914, to the sum of Three thousand six hundred eighty-one  $\frac{65}{100}$  Dollars, and

WHEREAS the said sheriff did on the 29th day of June, 1914, at eleven o'clock in the forenoon, after due public notice had been given as required by the laws of the State of Arizona and the course

and practice of said Superior Court, did duly sell at public auction at the west door of the County Court House at Nogales, in said County of Santa Cruz, agreeably to the said judgment and decree and writ aforesaid and the provisions of law, the premises in said judgment mentioned, at which sale the premises in said judgment or decree were fairly struck off to Samuel F. Noon for the sum of Three Thousand six hundred eighty-one  $65/100$  Dollars, that being the highest sum bid therefor, as set forth in the certificate of sale as hereinafter set forth, which sum was thereupon paid to the sheriff by the said Samuel F. Noon in gold coin of the United States; and

WHEREAS said sheriff thereupon made and issued [89] the usual certificate in duplicate of the said sale in due form of law and delivered one thereof to the said purchaser, and caused the other to be filed in the office of the County Recorder in said County of Santa Cruz; and

WHEREAS more than nineteen months have elapsed since the date of said sale, and no redemption (if any right thereto existed) has been made of the said premises so sold as aforesaid by or on behalf of the judgment debtors or any of them, or by or on behalf of any other person whatsoever, and

WHEREAS by deed dated June 29, 1914, and recorded in the office of the Recorder of Santa Cruz County on January 8, 1915, in Book 6 M. D. pages 120 to 122, the said Samuel F. Noon and Natalie F. Noon, his wife, did convey to the party hereto

of the second part all that certain part of the premises so sold as aforesaid as is hereinafter more particularly described; and did expressly authorize and direct the sheriff of Santa Cruz County in and by said deed to execute thereunder to the party hereto of the second part any and all conveyances of the property hereinafter described;

NOW THEREFORE, in consideration of the premises and in order to carry into effect the said sale so made by the said sheriff in pursuance to said judgment or decree and writ of execution, the said party hereto of the first part has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Alto Mines Company, its successors and assigns forever, all those certain mines, mining claims, mining properties and the land covered thereby, situate, lying and being in the Tyndall Mining District, County of Santa Cruz, State of Arizona, as follows, to wit:

OPHIR No. 2, the location notice of which is [90] recorded in Book 5 of Mining Locations at page 189;

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188;

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85;

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93;

BUENA VISTA, the location notice of which is

recorded in Book 1 of Mining Locations, at page 86;

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations at page 160;

DONAU, the location notice of which is recorded in Book 1 of Mining Locations at page 88;

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162;

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations, at page 84;

ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82.

Also all that part and parcel of the STEINFELD WEST, ALBERT, STEINFELD, ALTO, ALBIAN and RECORD, which lies south of the north boundary of the Baca Float No. 3, as selected on June 17th, 1863, under and pursuant to an act of Congress approved June 21st, 1860, as said line is now fixed and established by the survey of Philip Contzen, Deputy Mineral Survey, made in the year 1905.

The location notices of said respective claims last mentioned, are recorded as follows: STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80; ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations at page 56; ALTO, the location notice of which is recorded in Book 1 of

Mining Locations, at page 81; ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54; and the RECORD, the location notice of which is recorded in Book 5 of Mining Locations at page 191. The book and page references hereinabove made, are to the books in the County Recorder's office of Santa Cruz County.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the rents, issues and profits thereof. [91]

TO HAVE AND TO HOLD all and singular the said premises hereby conveyed, or intended so to be, together with the appurtenances unto the said party of the second part, its successors and assigns, forever.

IN WITNESS WHEREOF the party of the first part as sheriff as aforesaid has hereunto set his hand and seal the day and year first above written.

W. S. McKNIGHT,  
Sheriff of Santa Cruz County, State of Arizona.

By O. H. Walker,  
Deputy Sheriff.

State of Arizona,  
County of Santa Cruz,—ss.

This instrument was acknowledged before me this 5th day of February, 1916, by William S. McKnight, as Sheriff of the county of Santa Cruz.

[Seal] S. F. NOON,  
Notary Public in and for the County of Santa Cruz,  
State of Arizona.

(10c. I. R. Stamps Canc.)

State of Arizona,  
County of Santa Cruz,—ss.

This instrument was acknowledged before me the fifth day of February, 1916, by O. H. Walker, as Deputy Sheriff of said Santa Cruz County, as such deputy sheriff and for William S. McKnight, as Sheriff of said county.

WITNESS my hand and official seal this 11th day of February, 1916.

[Seal]

S. F. NOON,

Notary Public in and for the County of Santa Cruz,  
State of Arizona.

(10¢ I. R. Stamps Canc.)

[Endorsed]: Original Deed. Defts. Exhibit 1,  
Marked for Identification. Nov. 4th, 1919. [92]

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**Defendants' Exhibit No. 3.**

THIS INDENTURE, made and entered into this 29th day of June, A. D. 1914, by and between SAMUEL F. NOON and NATALIE F. NOON, his wife, both of Nogales, Santa Cruz County, State of Arizona, parties of the first part, and the ALTO MINES COMPANY, a corporation organized and existing under the laws of the State of Arizona, party of the second part, WITNESSETH:

That the said parties of the first part for and in consideration of the sum of Ten Dollars, lawful money of the United States, and other good and valuable considerations, have bargained, sold, conveyed and quit-claimed, and by these presents do

bargain, sell, convey and quit-claim unto the said party of the second part, all ~~that~~ (those, interlined and initials E. L. M. in margin) certain mining claims, (interlined and initialed E. L. M. in margin) or mines located and mining property situate in the Tyndall Mining District, County of Santa Cruz, State of Arizona, as follows, to wit:

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations at page 189.

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188.

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85.

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93.

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86.

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160.

DONAU, the location notice of which is recorded in Book 1 of Mining Locations, at page 88.

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162.

GRAND PRIZE (Prize originally spelled "Price," but corrected to Prize, and initialed E. L. M. in the margin), the location notice of which is recorded in Book 1 of Mining Locations, at page 84.



ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82.

Also all that part and parcel of the STEINFELD WEST, ALBERT, STEINFELD, ALTO, ALBIAN and RECORD, which lies south of the north boundary line of Baca Float No. 3, as selected on June 17th, 1863, under and pursuant to an act of Congress approved June 21st, 1860, as said line is now fixed and established by the survey of Philip Contzen (Spelling of name "Contzen" corrected in ink and initialed E. L. M. in margin), Deputy Mineral Surveyor, made in the year 1905.

The location notices of said respective claims last mentioned, are recorded as follows: STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80; ALBERT, the location notice of which is recorded in Book 1 of Mining Locations at page 58; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations at page 56; ALTO, the location notice of which is recorded in Book 1 of Mining [93] Locations, at page 81; ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54, and the RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191. The book and page references hereinabove made, are to the books in the County Recorder's office of Santa Cruz County.

TO HAVE AND TO HOLD the same unto the said party of the second part, its successors and assigns forever.

And we hereby expressly authorize and direct the Sheriff of said County of Santa Cruz, State of Arizona, to execute direct to the said party of the second part hereto, any and all conveyances of the above-described property, to which we are now or may become entitled.

IN WITNESS WHEREOF, the parties of the first part hereto have hereunto set their hands and seals the day and year first above written.

SAMUEL F. NOON. (L. S.)

NATALIE F. NOON. (L. S.)

Witness as to signatures:

C. E. BARDWELL.

State of Arizona,  
County of Santa Cruz,—ss.

Before me, Clerk of the Superior Court, in and for the county of Santa Cruz, State of Arizona, personally appeared Samuel F. Noon and Natalie F. Noon, to me known and known to me to be the individuals described in and who executed the foregoing instrument, and duly severally acknowledged before me that they executed the same.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal of office this 29th day of June, A. D. 1914.

[Seal]

EDW. L. MIX,  
Clerk Superior Court.

[Endorsed]: Deed. Defts. Exhibit 3 for Identification. Nov. 4th, 1919. [94]

**Defendants' Exhibit No. 4.**

In the Superior Court of the County of Santa Cruz,  
State of Arizona.

No. 155.

STATE OF ARIZONA, at the Relation and to the  
Use of RAYMOND R. EARHART, Treas-  
urer and *Ex-Officio* Tax Collector of Santa  
Cruz County in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines and Smelter Company,  
a Corporation, The Consolidated Mines,  
Smelter and Transportation Company, a Cor-  
poration, Alexander I. McLeod, L. J.  
Williams and Wilbur L. Davis, Constituting  
the Bondholders' Committee of the said The  
Alto Copper Company and the said The Santa  
Cruz Mines and Smelter Company; The  
Santa Rita Company, a Corporation, Organ-  
ized Under the Laws of the State of New  
York; Arizona Copper Estate, a Corporation  
Organized Under the Laws of Arizona, James  
W. Vroom, Jane Doe Vroom, John Watts,  
Jane Doe Watts, Cornelius C. Watts, Jane  
Doe Watts, Dabney C. T. Davis, Jane Doe  
Davis, Daisy Belle Bouldin, James E. Boul-  
din, Jane Doe Bouldin, J. E. Wise and Lucia  
Wise, his Wife, and Albert Steinfeld and  
Henry F. Guerin, Receivers,

Defendants.

## EXECUTION.

THE STATE OF ARIZONA, to the Sheriff of the County of Santa Cruz, GREETINGS:

WHEREAS, on the 5th day of December, A. D. 1913, the State of Arizona, at the relation and to the use of Raymond R. Earhart, Treasurer and *ex-officio* Tax Collector in and for the County of Santa Cruz, State of Arizona, plaintiff, recovered a judgment in the Superior Court of the State of Arizona in and for the County of Santa Cruz, against the Alto Copper Company, a corporation. The Santa Cruz Mines and Smelter Company, a corporation, The Consolidated Mines Smelter and Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and the said The Santa Cruz Mines and Smelter Company, The Santa Rita Company, a corporation, Arizona Copper Estate, a corporation, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, Lucia Wise, and Albert Steinfeld and Henry F. Guerin, Receivers, for the sum of \$3,241.35, together with interest on the sum of \$2038.79 thereof, from date, at the rate of twelve per cent per annum until paid, and upon the remainder of said judgment at the rate of six per cent per annum from said date until paid, and costs at the date of said judgment, taxed at the sum

of \$——, and accruing costs, and also a decree foreclosing the lien of said State of Arizona, for taxes upon all the property in said judgment set forth and described, and hereinafter fully set forth and described, to wit:

The following patented mines situate in the Tyn-dall Mining District, Santa Cruz County, State of Arizona, known as the "Alto Group," viz.:

MINERAL WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 76, records of Santa Cruz County, Arizona. [95]

ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58, records of Santa Cruz County, Arizona.

ALBERT No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 73, records of Santa Cruz County, Arizona.

OAK, the location notice of which is recorded in Book 1 of Mining Locations, at page 52, records of Santa Cruz County, Arizona.

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188, records of Santa Cruz County, Arizona.

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations, at page 189, records of Santa Cruz County, Arizona.

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93, records of Santa Cruz County, Arizona.

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85, records of Santa Cruz County, Arizona.

HILL SIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160, records of Santa Cruz County, Arizona.

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86, records of Santa Cruz County, Arizona.

DONAU, the location notice of which is recorded in Book 1 of Mining Locations, at page 88, records of Santa Cruz County, Arizona.

GREAT WESTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162, records of Santa Cruz County, Arizona.

RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191, records of Santa Cruz County, Arizona.

ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54, records of Santa Cruz County, Arizona.

STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations, at page 56, records of Santa Cruz County, Arizona.

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80, records of Santa Cruz County, Arizona.

ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81, records of Santa Cruz County, Arizona.

ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82, records of Santa Cruz County, Arizona.

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations at page 84, records of Santa Cruz County, Arizona.

MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations, at page 50, records of Santa Cruz County, Arizona.

MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 74, records of Santa Cruz County, Arizona.

The foregoing descriptions should be construed as follows: Book and Page of Mining Locations, in the office of the County Recorder of the said County of Santa Cruz, Arizona. Application for United States Patents has been made upon each and all of the hereinabove described mines and mining claims, and final receipt has issued, but the patents have as yet not been issued.

Also all personal property which is attached to and included in the assessment levied upon the "Excelsior West" patented mine;

All as appears to us of record, and a copy of which judgment and decree is hereto annexed and made a part hereof; and

WHEREAS, the judgment-roll in the action in which said judgment is rendered is filed in the Clerk's office in said Court in the said County of Santa Cruz, and the said judgment was docketed in the said Clerk's office in the said County, on the 15th day of December, 1913, and the said sum of \$3,241.35, together with interest, as aforesaid, and together with plaintiff's costs amounting to the sum of \$——

is now at the date of this writ actually due on said judgment and said foreclosure of said lien and order of sale. [96]

NOW, YOU, THE SAID SHERIFF, ARE HEREBY REQUIRED AND COMMANDED, to levy upon, advertise and sell the hereinabove described properties, or so much thereof as may be necessary to pay said judgment and subsequent costs and interest, the same as you might do under ordinary execution, and make return of this writ within sixty days after your receipt hereof, with what you have done endorsed hereon.

WITNESS, Honorable W. A. O'CONNOR, Judge of the Superior Court of the State of Arizona, in and for the County of Santa Cruz, at the Courthouse of said County of Santa Cruz, this 19th day of March, A. D. 1914.

Attest my hand and the seal of said court the day and year last above written.

[Seal]

(Signed) EDW. L. MIX,  
Clerk of Said Superior Court.

State of Arizona,  
County of Santa Cruz,—ss.

I, Robt. E. Lee, Clerk of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, do hereby certify that the attached and foregoing is a full, true and correct copy of the original writ of execution, issued in the foregoing entitled cause, as the same appears of record and on file in my office, and that the same has never been amended, modified, reversed or set aside, in any manner whatsoever.



IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court, at Nogales, Santa Cruz County, Arizona, this 3d day of November, A. D. 1919.

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Clerk of Said Superior Court. [97]

In the Superior Court of the State of Arizona, in and for the County of Santa Cruz.

RAYMOND R. EARHART, Treasurer and *Ex-Officio* Tax Collector, in and for the County of Santa Cruz, Arizona,

Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation, The Santa Cruz Mines & Smelter Company, a Corporation, The Consolidated Mines, Smelter & Transportation Company, a Corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee of the Said The Alto Copper Company and of the Said The Santa Cruz Mines & Smelter Company; The Santa Rita Company, a Corporation Organized Under the Laws of the State of New York, Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James

E. Bouldin, Jane Doe Bouldin, J. E. Wise  
and Lucia Wise, His Wife, and Albert Stein-  
feld and Henry F. Guerin, Receiver,  
Defendants.

#### RETURN OF SALE.

KNOW ALL MEN BY THESE PRESENTS,  
That I, W. S. McKnight, sheriff of Santa Cruz  
County, Arizona, do hereby certify that under and  
by virtue of the annexed judgment and execution is-  
sued out of and under the seal of the above-entitled  
court, and in the above-entitled cause, and to me as  
such sheriff, as aforesaid, duly directed and deliv-  
ered on the 19th day of March, 1914, wherein and  
whereby I was commanded to sell the real estate and  
premises therein described, to satisfy the amount  
of the judgment filed and docketed in the above-  
entitled cause and court upon the 15th day of De-  
cember 1913, and which said judgment amounted to  
the sum of three thousand two hundred and forty-  
one and  $35/100$  dollars, together with costs amount-  
ing to four hundred and forty and  $30/100$  dollars,  
and together with interest thereon from said date  
until paid, and all as set forth in said judgment and  
execution, and all costs and accruing costs and in-  
terest, including costs of sale; [98]

That I duly levied upon all of the right, title, and  
interest of the Alto Copper Company, a corpora-  
tion, The Santa Cruz Mines & Smelter Company,  
a corporation, The Consolidated Mins, Smelter &  
Transportation Company, a corporation, Alexander  
I. McLeod, L. J. Williams and Wilbur L. Davis,  
constituting the Bondholders' Committee of the

said The Alto Copper Company and of the said The Santa Cruz Mines & Smelter Company; The Santa Rita Company, a corporation organized under the laws of the State of New York, Arizona Copper Estate, a corporation organized under the laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, his wife, and Albert Steinfeld and Henry F. Guerin, Receiver, defendants, and each and all thereof, as the same existed at the dates of the attachment of the liens for the taxes included in said judgment, and as the same existed at the date of the rendition of said judgment and at the date of the levy of said execution and at any time since upon the property and real estate as follows, to wit:

Those certain lode mining claims situate in the Tyndall Mining District, Santa Cruz County, Arizona, known as the Alto Group of Mines, to wit:

Mineral West, the location notice of which is recorded in Book 1 of Mining Locations, page 76;

Albert, the location notice of which is recorded in Book 1 of Mining Locations, page 58;

Albert No. 2, the location notice of which is recorded in Book 1 of Mining Locations, page 73;

The Oak, the location notice of which is recorded in Book 1 of Mining Locations, page 52;

Ophir No. 1, the location notice of which is recorded in Book 5 of Mining Locations, page 188;

Ophir No. 2, the location notice of which is recorded in Book 5 of Mining Locations, page 189;

Excelsior West, the location notice of which is recorded in Book 1 of Mining Locations, page 93;

Excelsior, the location notice of which is recorded in Book 1 of Mining Locations, page 85;

Hillside, the location notice of which is recorded in Book 2 of Mining Locations, page 160;

Buena Vista, the location notice of which is recorded in Book 1 of Mining Locations, page 86;  
[99]

Donau, the location notice of which is recorded in Book 1 of Mining Locations, page 88;

Great Eastern, the location notice of which is recorded in Book 2 of Mining Locations, page 162;

Record, the location notice of which is recorded in Book 5 of Mining Locations, page 191;

Albion, the location notice of which is recorded in Book 1 of Mining Locations, page 54;

Steinfeld, the location notice of which is recorded in Book 1 of Mining Locations, page 56;

Steinfeld West, the location notice of which is recorded in Book 1 of Mining Locations, page 80;

Alto, the location notice of which is recorded in Book 1 of Mining Locations, page 81;

Alto East, the location notice of which is recorded in Book 1 of Mining Locations, page 82;

Grand Prize, the location notice of which is recorded in Book 1 of Mining Locations at page 84;

Mineral No. 1, the location notice of which is recorded in Book 1 of Mining Locations at page 50;

Mineral No. 2, the location notice of which is recorded in Book 1 of Mining Locations, page 74.

The foregoing descriptions should be construed as follows: Book and page of Mining Locations, in the office of the county recorder of the said county of Santa Cruz, Arizona. Application for United States Patent has been made upon each *al* of the hereinabove described mines and mining claims, and final receipt has issued, but the patents have as yet not been issued.

Together with all and singular the rights and appurtenances thereto and therein, or in anywise appertaining or belonging;

That I made said levy by filing a copy of said judgment and said execution with the levy endorsed thereon and the description of the property, in the office of the county recorder of said county of Santa Cruz, and advertised said sale according to law in the "Oasis," a newspaper published weekly in the city of Nogales, said county, for more than twenty-one days prior to the date fixed for said sale, according to the certificate of the Foreman, Michael Behan of said newspaper hereto attached and by reference made a part herein, and the notice of said sale was posted by me in three public places in the County of Santa Cruz, [100] one of which places was the courthouse door of the courthouse of said county for more than three weeks before the date of said sale, and all as required by law; that said sale was originally noticed to take place on the 21st day of April, 1914, at the hour

of eleven o'clock in the forenoon and at the west door of the courthouse of the said County of Santa Cruz; that at said time I attended at said place, and for good and sufficient cause duly postponed said sale until the 22d day of June, 1914, at the hour of eleven o'clock in the forenoon; that on the 22d day of June, 1914, I attended at said place and time, and for good and sufficient cause duly postponed said sale until the 29th day of June, 1914; at the hour of eleven o'clock in the forenoon at the same place; that I duly noted upon the posted notices of said sale, the said respective adjournments, and that the publication of said notice of sale was duly continued and each postponement duly noted in said publication; that in pursuance to said judgment and execution and notice of sale I attended said sale at the hour of eleven o'clock in the forenoon on the 29th day of June, 1914, at the West door of the courthouse of the said county of Santa Cruz, in the city of Nogales, and did there and then offer the said property for sale, first offering the same in separate lots or parcels, and that I did sell said property in manner following to Samuel F. Noon, he being the best and highest bidder for same, that is to say that I did sell to the said Samuel F. Noon the

MINERAL WEST, the location notice of which is recorded in Book 1, of Mining Locations, at page 76, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.

ALBERT No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 73, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.

ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58, records of Santa Cruz County, Arizona, for the sum and price of fifty dollars, gold coin of the United States.

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations at page 189, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars gold coin of the United States.

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations at page 188, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States. [101]

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations at page 86, Records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

DONAU, the location notice of which is recorded in Book 1 of Mining Locations, at page 88,

records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations at page 84, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

RECORD, the location notice of which is recorded in Book 5, of Mining Locations, at page 191, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160, records of Santa Cruz County, Arizona, for the sum and price of twenty-five dollars, gold coin of the United States.

ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81, records of Santa Cruz County, Arizona, for the sum and price of one thousand dollars, gold coin of the United States.

That after selling the above, I continued to offer the said property in parcels until I had offered the whole thereof, and did receive no bid for the same.



That thereupon I offered all of the remainder of said property not sold as aforesaid, to wit:

OAK, the location notice of which is recorded in Book 1, of Mining Locations, at page 52; EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93; EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85; ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations at age 56; ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82; MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations, at page 50; and MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 74, all said records being records of Santa Cruz County, Arizona, for the sum and price of Two thousand three hundred and sixteen dollars and sixty-five cents (\$2,316.65), in one lot and sold the same to the said Samuel F. Boon, he being the highest and best bidder for said, for the sum of two thousand three hundred and sixteen and 65/100 dollars, cash, making a total amount received from the sale of all of said properties from the said Samuel F. Noon, of three thousand six hundred and ninety-one and 65/100 dollars; that the said Samuel F. Noon has paid

to me in lawful money the said sum of three thousand six hundred and ninety-one and 65/100 dollars, and I have issued and delivered to [102] him a certificate of sale to said property, and have filed a copy thereof in the office of the Recorder of the said County of Santa Cruz; that I return this execution fully satisfied.

Dated this 29th day of June, 1914.

(Signed) W. S. McKNIGHT,  
Sheriff of Santa Cruz County, Arizona.

By I. Burgoon,  
Deputy.

State of Arizona,  
County of Santa Cruz,—ss.

I, Robt. E. Lee, clerk of the Superior Court of the State of Arizona, in and for the County of Santa Cruz, do hereby certify that the attached and foregoing is a full, true and correct copy of the original sheriff's return of sale, on the execution issued in the foregoing entitled cause, as the same appears of record and on file in my office, and that the same has never been amended, modified or set aside in any respect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Superior Court at Nogales, Arizona, this 3d day of November, A. D. 1919.

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Clerk of Said Superior Court.

[Endorsed]: Defendants' Exhibit 4 Marked for Identification. Nov. 4th, 1919. [103]

**Defendants' Exhibit No. 5.**

## CERTIFICATE OF SALE.

I, W. S. McKnight, sheriff of the County of Santa Cruz, State of Arizona, do hereby certify that under and by virtue of the final judgment and decree and of a writ of execution of the Superior Court of the County of Santa Cruz, State of Arizona, in that certain action lately pending in said court upon the suit of the State of Arizona, at the relation and to the use of Raymond R. Earhart, treasurer and *ex-officio* tax collector in and for the County of Santa Cruz in the State of Arizona, plaintiff, against The Alto Copper Company, a corporation, The Santa Cruz Mines and Smelter Company, a corporation, The Consolidated Mines, Smelter and Transportation Company, a corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, constituting the Bondholders' Committee of the said The Alto Copper Company and the said The Santa Cruz Mines and Smelter Company, the Santa Rita Company, a corporation organized under the laws of the State of New York; Arizona Copper Estate, a corporation organized under the laws of Arizona; James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, his wife, and Albert Steinfeld and Henry F. Guerin, as receivers, de-

fendants, and being cause No. 156 in said court, duly certified to me under the seal of said court on the 19th day of March, 1914, and all to me as such sheriff duly directed and delivered, whereby I was commanded to sell the property hereinafter set forth, according to law, and to apply the proceeds of such sale towards the indebtedness on said judgment in said action, amounting, on the 5th day of December, 1913, to the sum of \$3,241.35, together with interest on the sum of \$2,038.79 thereof from date at the rate of twelve per cent per annum until paid, and upon the remainder of said judgment at the rate of six per cent per annum from said date until paid, and costs at the date of said judgment taxed at the sum of \$—, and accruing costs, amounting in all, on the 29th day of June, 1914, to the sum of [104] \$3,681.65. That said sale was originally noticed for the 21st day of April, 1914, and was on said day, for good and sufficient cause, duly postponed and continued until the 22d day of June, 1914, and was on said last-mentioned date duly postponed and continued until the 29th day of June, 1914, said continuances all being from and to the hour of eleven o'clock in the forenoon.

That on said last mentioned date, to wit: the 29th day of June, 1914, at the west door of the courthouse in said County of Santa Cruz, at the hour of eleven o'clock in the forenoon, I duly sold at public auction, according to law, and after due and legal notice, to Samuel F. Noon, who made the

highest bids therefor, the following mines and mining claims, to wit:

MINERAL WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 76, for the sum and price of \$50 gold coin of the United States.

ALBERT No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 73, for the sum and price of \$50.00 in gold *coian* of the United States.

ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58, for the sum and price of \$50.00, gold coin of the United States.

STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80, for the sum and price of \$25.00, gold coin of the United States.

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations, at page 189, for the sum and price of \$25.00 gold coin of the United States.

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188, for the sum and price of \$25.00, gold coin of the United States.

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86, for the sum and price of \$25.00 gold coin of the United States.

DONAU, the location notice of which is recorded in Book 1 of Mining Locations at page 88,

for the sum and price of \$25.00 gold coin of the United States.

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162, for the sum and price of \$25.00 gold coin of the United States.

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations, at page 84, for the sum and price of \$25.00 gold coin of the United States.

RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191, for the sum and price of \$25.00 gold coin of the United States.

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160, for the sum and price of \$25.00 gold coin of the United States.

ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81, for the sum and price of \$1,000.00 gold coin of the United States.

OAK, the location notice of which is recorded in Book 1 of Mining Locations at page 52; EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93; EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85; ALBIAN, the location notice of which [105] is recorded in Book 1 of Mining Locations, at page 54; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations, at page

56; ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82; MINERAL No. 1, the location notice of which is recorded in Book 1 of Mining Locations, at page 50, and MINERAL No. 2, the location notice of which is recorded in Book 1 of Mining Locations, at page 74, for the sum and price of \$2,316.65, the claims last mentioned having first been offered separately by me and I received no bids therefor.

Together with all personal property which is attached to and included in the assessment levied upon any of said mining claims.

All of the above-mentioned claims are situate in the Tyndall Mining District, County of Santa Cruz, State of Arizona, and the book and page references hereinabove made are to the books in the County Recorder's office of said County of Santa Cruz, and I do further certify that I have received the above sums of money from the said Samuel F. Noon.

And I do further certify that the said respective sums bid were the best and highest bids received for the respective parcels, and the said bidder, Samuel F. Noon, is entitled to a deed of said parcels, as provided by law.

IN WITNESS WHEREOF I have hereunto set my hand this 29th day of June, A. D. 1914.

W. S. McKNIGHT,

Sheriff of Santa Cruz County.

By \_\_\_\_\_,

Deputy.

State of Arizona,  
County of Santa Cruz,—ss.

The above instrument was acknowledged before me by W. S. McKnight, as sheriff of Santa Cruz County, Arizona, on this 29th day of June, A. D. 1914.

[Seal of Court]

EDW. L. MIX,  
Clerk of Superior Court.

[Endorsed]: Defendants' Exhibit 5, Marked for Identification. Nov. 4th, 1919. [106]

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**Defendants' Exhibit No. 6.**

**AMENDED NOTICE OF MINING LOCATION  
LODE CLAIM.**

**TO ALL WHOM IT MAY CONCERN:**

This mining claim, the name of which is the Ophir No. 2 mining claim, situate on lands belonging to the United States of America; and in which there are valuable mineral deposits, was entered upon and located for the purposes of exploration and purchase by Albert Steinfeld, the undersigned, on the 16th day of January, 1905.

The length of this claim is 1,500 feet and I claim 75 feet in an easterly direction and 1,425 feet in a westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds, on each side of the center of said claim.



The general course of the lode deposit and premises is from the east to the west.

The claim is situated and located in the Tyndall Mining District, in Santa Cruz County, in the Territory of Arizona, about 1 mile in a northerly direction from Joe Wise's ranch house, and is the west extension of the Ophir No. 1 claim U. S. M. M. No. 2 T. D. bears east about 5,000 feet.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a westerly direction 1,425 feet from the discovery shaft; at which this notice is posted, being in the center of the west end line of said claim; thence northerly 300 feet to a monument of stones being the northwest corner of said claim; thence easterly 1,500 feet to a monument of stones, being at the northeast corner of said claim; thence southerly 300 feet to a monument of stones at the center of the east end of said claim; thence southerly 300 feet to a monument of stones, being at the southeast corner of said claim; thence westerly 1,500 feet to a monument of stones at the southwest corner of said claim; thence northerly [107] 300 feet to the place of beginning.

All done under the provisions of Chapter Six, of Title XXXII, of the Revised Statutes of the United States, and of an Act of the General Assembly of Arizona, entitled "An Act to Revise and Codify the Laws of the Territory of Arizona," approved March 16th, 1901.

This is an Amended Location Notice of the

Ophir No. 2 mining claim, located by J. N. Curtis on the 1st day of January, 1901, and recorded in Book 2 of Mining Locations at pages 159-160, in the office of the County Recorder of the aforesaid County of Santa Cruz, to which reference is hereby made, and this Amended Location Notice is made and posted to correct errors in the description in the said original Location Notice. Dated and posted on the ground this 16th day of January, 1905.

ALBERT STEINFELD.

Filed and recorded at the request of S. L. Kingan, January 25, A. D. 1905, at 9 A. M.

PHIL HEROLD,  
County Recorder.

#83.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location notice, as the same appears of record in my office in book, vol. 5, Mining Locations, at page 189.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [108]

AMENDED NOTICE OF MINING LOCATION  
LODE CLAIM.

TO ALL WHOM IT MAY CONCERN:

This mining claim, the name of which is the Ophir No. 1 mining claim, situate on lands belonging to the United States of America; and in which there are valuable mineral deposits, was entered upon and located for the purposes of exploration and purchase by Albert Steinfeld, the undersigned, on the 16th day of January, 1905.

The length of this claim is 1,500 feet and I claim 75 feet in a westerly direction and 1,425 feet in an easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds, on each side of the center of said claim.

The claim is situated and located in the Tyndall Mining District, in Santa Cruz County, in the Territory of Arizona, about 1 mile in a northerly direction from Joe Wise's ranch house, and is the west extension of the Buena Vista mine, U. S. M. M. No. 2 T. D. bears east about 3,500 feet.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a westerly direction 75 feet from the discovery shaft; at which this notice is posted, being in the center of the west end line of said claim; thence northerly 300 feet to a monument of stones being the northwest corner of said claim; thence easterly 1,500 feet to a

monument of stones being at the northeast corner of said claim; thence southerly 300 feet to a monument of stones at the center of the east end of said claim; thence southerly 300 feet to a monument of stones being at the southeast corner of said claim; thence westerly 1,500 feet to a monument of stones at the southwest corner of said claim; thence northerly [109] 300 feet to the place of beginning.

All done under the provisions of Chapter Six, of Title XXXII, of the Revised Statutes of the United States, and of an Act of the General Assembly of Arizona, entitled "An Act to Revise and Codify the Laws of the Territory of Arizona," approved March 16th, 1901.

This is an Amended Location Notice of the Ophir No. 1 mining claim, located by J. N. Curtis on the 1st day of January, 1901, and recorded in Book 2 of Mining Locations, at pages 158, 159, in the office of the County Recorder of the aforesaid County of Santa Cruz, and to which reference is hereby made, and this Amended Location Notice is made and posted to correct errors in the description in the said original Location Notice. Dated and posted on the ground this 16th day of January, 1905.

ALBERT STEINFELD.

Filed and recorded at the request of S. L. Kingan, January 25, A. D. 1905, at 9 A. M.

PHIL HEROLD,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location notice, as the same appears of record in my office in book, vol. 5, Mining Locations, at page 188.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [110]

NOTICE OF LOCATION.

QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This mining claim, the name of which is the Excelsior mining claim, situated on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld, the undersigned, on the 22d day of May, 1899.

The length of the claim is 1,500 feet and I claim 750 feet in a westerly direction and 750 feet in an easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the east to the

west. This claim is situated and located in the Tyndall Mining District in Santa Cruz County, in the Territory of Arizona, about two miles in a northerly direction from J. Wise's ranch house about 2,000 feet northwesterly from the U. S. Mineral Monument No. 2 T. D.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at monument of stones at a point in a westerly direction 750 feet from the discovery shaft (at which this notice is posted) being in the center of the west end line of said claim; thence northerly 300 feet to a monument of stones being the northwest corner of said claim; thence easterly 750 feet to a monument of stones at the center of the north side line of said claim; thence easterly 750 feet to a monument of stones being at the northeast corner of said claim; thence southerly 300 feet to a monument of stones at the center of the east end of said claim; thence southerly 300 feet to a monument of stones being at the southeast corner of said claim; thence westerly 750 feet to a monument of stones being at the center of the south side line of said claim; thence westerly 750 feet to a monument of [111] stones at the southwest corner of said claim; thence northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines" approved March 20th, 1895.

Dated and posted on the ground this 22d of May,  
1899.

ALBERT STEINFELD,  
Locator.

Witnesses:

J. N. CURTIS,  
NICK MATHIAS.

Filed and recorded by A. Steinfeld June 22d, 99  
at 12 M.

W. N. CUMMING,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for  
the county and state aforesaid, do hereby certify  
the foregoing to be a full, true and correct copy  
of mining location, as the same appears of record  
in my office in book, vol. 1, Mining Locations, at  
page 85.

Witness my hand and official seal this 29th day of  
October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [112]

NOTICE OF LOCATION.  
QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim the name of which is the  
Excelsior West Mining Claim, situated on lands  
belonging to the United States of America, and  
in which there are valuable mineral deposits, was  
entered upon and located for the purpose of explora-

tion and purchase by Albert Steinfeld, the undersigned, on the 22d day of May, 1899.

The length of this claim is 1500 feet and I claim 750 feet in an Easterly direction and 750 feet in a Westerly direction from the center of the discovery shaft at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lede deposit and premises is from the east to the west. The claim is situated in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about 3500 feet in a Westerly direction from the U. S. Mineral Monument No. 2 T. D. is the extension of the Excelsior mine.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an easterly direction 750 feet from the discovery shaft at which this notice is posted, being in the center of the east end lines of said claim; thence Northerly 300 feet to a monument of stones being the Northeast corner of said claim; thence Westerly 750 feet to a monument of stones at the center of the North side line, of said claim; thence Westerly 750 feet to a monument of stones being at the Northwest corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the West end of said claim; thence Southerly 300 feet to a monument of stones being at the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones being at the center of the



South side line of said claim; thence Easterly 750 feet to a monument of stones at the Southeast corner of said [113] claim; thence Northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines" approved March 20, 1895.

Dated and posted on the ground this 22d day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

NICK MATHIAS.

Filed and recorded request Albert Steinfeld, June 22d, 1899 at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book, vol. 1, Mining Locations, at page 93.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [114]

NOTICE OF LOCATION.  
QUARTZ CLAIM.

TO ALL WHOM IT MAY *CONER*:

This Mining Claim the name of which is the *Buean Vista Mining Claim*, situated on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 20th day of May, 1899.

The length of this claim is 1500 feet and I claim 300 feet in an Easterly direction and 1200 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona about  $1\frac{1}{2}$  miles in a northerly direction from J. Wise's Ranch House, on the South side of El Plomo Hill, about 4000 feet Westerly from the U. S. Mineral Monument No. 2 T. D. is a relocation of an abandoned mine. The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an Easterly direction 300 feet from the discovery shaft (at which this notice is posted), being in the center of the East end line

*lines*, of said claim; thence Northerly 300 feet to a monument of stones being the Northeast corner of said claim; thence Westerly 750 feet to a monument of stones at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones being at the Northwest corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the West end of said claim; thence Southerly 300 feet to a monument of stones being at the Southwest corner of [115] said claim; thence Easterly 750 feet to a monument of stones being at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones at the Southeast corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provision of Chapter Six of Title XXXII of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines," approved March 20th, 1895.

Dated and posted on the ground this 20th day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

J. N. CURTIS.  
NICK MATHIAS.

Filed and recorded request of A. Steinfeld June 22, 1899 at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, County Recorder in and for the County and State aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book, vol. 1, Mining Locations, page 86.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [116]

#### NOTICE OF MINING LOCATION.

#### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Hillside Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 23d day of January, 1901.

The length of this claim is 1500 feet and I claim 200 feet in a Westerly direction and 1300 feet in an Easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

The claim is situated and located in the Tyndal Mining District in Santa Cruz County, in the Territory of Arizona, about 1000 feet in a Northerly direction from the U. S. M. Monument, is the East extension of the Excelsior mine, adjoins the Donau Mine on the North side line and lays parallel with the same.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at monument of stones at a point in a Westerly direction 200 feet from the discovery shaft (at which this notice is posted) being in the center of the Westerly end line of said claim; thence Southerly 300 feet to a monument of stones being the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones being at the Southeast corner of said claim; thence Northerly 300 feet to a monument of stones at the center of the Easterly end of said claim; thence Northerly 300 feet to a monument of stones being at the Northeast corner of said claim; [117] thence Westerly 750 feet to a monument of stones being at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stone at the Northwest corner of said claim; thence Southerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII of the Revised Statutes of the United States, and of an Act of the General Assembly of Arizona, entitled "An Act Concerning Mines" approved March 20th, 1895.

Dated and posted on the ground this 23d day of January, 1901.

ALBERT STEINFELD.

Witness:

J. N. CURTIS.

JERE FRYER.

Filed and recorded at request of P. Sandoval & Co., Mar. 27, A. D. 1901, at 10:30 A. M.

M. BREEN,

Recorder.

By Phil Herold,

Deputy.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, County Recorder in and for the County and State aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book, vol. 2, Mining Locations, page 160.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,

County Recorder. [118]

## NOTICE OF LOCATION.

### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim the name of which is the Donau Mining Claim, situated on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered

upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 20th day of May, 1899.

The length of the claim is 1500 feet and I claim 300 feet in an Easterly direction and 1200 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds, on each side of the center of said claim; the general course of the lode deposit and premises is from the East to the West.

This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona about 600 feet in a Northwesterly direction from the U. S. Mineral Monument No. 2 T. D.—as a relocation of an abandoned property. The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an Easterly direction 300 feet from the discovery shaft (at which this notice is posted), being in the center of the East end lines of said claim; thence Northerly 300 feet to a monument of stones being the Northeast corner of said claim; thence Westerly 750 feet to a monument of stones at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones being the Northwest corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the West end of said claim; thence Southerly 300 feet to a monument of stones being at the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones being at the center of the South side line

of said claim; thence Easterly 750 feet to a monument of [119] stones at the Southeast corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona entitled "An Act Concerning Mines," approved March 20, 1895.

Dated and posted on the ground this 20th day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

J. N. CURTIS.  
NICK MATHIAS.

Filed and recorded request Albert Steinfeld June 22, 1899, at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location notice, as the same appears of record in my office in book, vol. 1, Mining Locations, at page 88.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [120]



## NOTICE OF MINING LOCATION.

## QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This mining claim, the name of which is the Great Eastern Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld, the undersigned, on the 24th day of January, 1901.

The length of this claim is 1500 feet and I claim 500 feet in a Westerly direction and 1000 feet in an Easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

The claim is situated and located in the Tyndal Mining District in Santa Cruz County, in the Territory of Arizona, about 1½ miles in a Westerly direction from Joe Wise's Ranch House and about 1000 feet S. Westerly from the U. S. M. Monument and is the East extension of the Donau Mine.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a Westerly direction from 500 feet from the discovery shaft at which this notice is posted, being in the center of the Westerly end line of said claim; thence Southerly 300 feet to a Monument of stones being the Southwest corner of said claim; thence Easterly 750 feet

to a monument of stones at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones being at the Southeast corner of said claim; thence Northerly 300 feet to a monument of stones at the center of the Easterly end of said claim; thence Northerly 300 feet to a monument of stones being at the Northeast corner of said claim; thence Westerly 750 feet to a monument of stones [121] being at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones at the Northwest corner of said claim; thence Southerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines" approved March 20th, 1895.

Dated and posted on the ground this 24th day of January, 1901.

ALBERT STEINFELD.

Witness:

J. N. CURTIS.

JERE FRYER.

Filed and recorded at request of P. Sandoval & Co., Mar. 27, A. D. 1901 at 10:30 A. M.

M. BREEN,

Recorder.

By Phil Herold,

Deputy.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book, vol. 2, Mining Locations, page 162.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [122]

#### NOTICE OF LOCATION.

#### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Grand Prize Mining Claim, situated on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld, the undersigned, on the 30th day of May, 1899. The length of the claim is 1500 feet and I claim 20 feet in a Westerly direction and 1480 feet in an easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about 2000 feet in a Northerly direction from the U. S. Mineral Monument No. 2 T. D. is the extension of the Alto East mine.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a point in a Westerly direction 20 feet from the discovery shaft (at which this notice is posted) being in the center of the West end lines, of said claim; thence Northerly 300 feet to a monument of stones being the Northwest corner of said claim; thence Easterly 750 feet to a monument of stones at the center of the North side line of said claim; thence Easterly 750 feet to a monument of stones being at the Northeast corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the East end of said claim; thence Southerly 300 feet to a monument of stones at the Southeast corner of said claim; thence Westerly 750 feet to a monument of stones being at the center of the [123] South side line of said claim; thence Westerly 750 feet to a monument of stones at the Southwest corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled, "An Act Concerning Mines," approved March 20th, 1895.

Dated and posted on the ground this 30th day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

NICK MATHIAS.

Filed and recorded request of A. Steinfeld June 22d, 1899, at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the County and State aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book, vol. 1, Mining Locations, page 84.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [124]

### NOTICE OF LOCATION.

#### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Alto East Mining Claim situated on lands belonging to the United States of America and in which there are valuable mineral deposits, was entered and located for the purpose of exploration and pur-

chase by Albert Steinfeld, the undersigned, on the 22 day of May, 1899.

The length of this claim is 1500 feet, and I claim 1000 feet in a Westerly direction and 500 feet in an Easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about 2 miles in a Northerly direction from J. Wise's Ranch House about 2000 feet northerly from — from the U. S. Mineral Monument No. 2 T. D. is a relocation of an abandoned mine.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a Westerly direction 1000 feet from the discovery shaft (at which this notice is posted) being in the center of the West end lines, of said claim; thence Northerly 300 feet to a monument of stones being the Northwest corner of said claim; thence Easterly 750 feet to a monument of stones at the center of the North side line of said claim; thence Easterly 750 feet to a monument of stones being at the Northeast corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the East end of said claim; thence Southerly 300 feet to a monument of stones being at the Southeast corner of

said claim; thence [125] Westerly 750 feet to a monument of stones being at the center of the South side line of said claim; thence Westerly 750 feet to a monument of stones at the Southwest corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines," approved March 20th, 1895.

Dated and posted on the ground this 22d day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

NICK MATHIAS.

Filed and recorded request of A. Steinfeld, June 22, 1899, at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location notice, as the same appears of record in my office in book vol. 1, Mining Locations, page 82.

WITNESS my hand and seal of office this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [126]

## NOTICE OF LOCATION.

## QUARTZ CLAIM.

This Mining Claim, the name of which is the Steinfeld West Mining Claim, situated on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchased by Albert Steinfeld, the undersigned, on the 30th day of May, 1899.

The length of the claim is 1500 feet and I claim 50 feet in an Easterly direction and 1450 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West. This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about  $1\frac{1}{4}$  miles in a Northerly direction from J. Wise's Ranch House, is the extension of the Steinfeld Mine.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an Easterly direction 50 feet from the discovery shaft (at which this notice is posted), being in the center of the East end lines of said claim, thence Northerly 300 feet to a monument of stones being the Northeast corner of said claim; thence Westerly 750 feet to a monument of stones at the center of the North side line



of said claim; thence Westerly 750 feet to a monument of stones being at the Northwest corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the West end of said claim; thence Southerly 300 feet to a monument of stones being at the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones being at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones at the Southeast corner of said claim; thence [127] Northerly 300 feet to the place of beginning. All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines," approved March 20th, 1895.

Dated and posted on the ground this 30th day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

NICK MATHIAS.

Filed and recorded at request of A. Steinfeld, June 22, 1899, at 12 A. M.

W. N. CUMMING,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy

of mining location, as the same appears of record in my office in book vol. 1, Mining Locations, at page 80.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [128]

### NOTICE OF LOCATION.

#### QUARTZ CLAIM.

#### TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Albert Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 26 day of February, 1899.

The length of the claim is 1500 feet, and I claim 300 feet in an Easterly direction and 1200 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

This claim is situated and located in the Tyndal Mining District in Santa Cruz County, in the Territory of Arizona, about 2 miles in a Northerly direction from J. Wise's Ranch House on the top of what is known as El Plomo Hill, this is a relocation of an abandoned property.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an easterly direction three hundred feet from the discovery shaft (at which this notice is posted) being in the center of the East end lines, of said claim; thence Northerly 300 feet to a monument of stones being the North-east corner of said claim; thence Westerly 750 feet to a monument of stones at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones being at the Northwest corner of said claim; thence Southerly 300 feet to a monument of stone at the center of the West end of said claim; thence Southerly 300 feet to a monument of stones being at the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones being at the center of [129] the South side line of claim; thence Easterly 750 feet to a monument of stones at the Southeast corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provision of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona entitled "An Act Concerning Mines," approved March 20, 1895.

Dated and posted on the ground this 26 day of February, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

J. N. CURTIS.

Filed and recorded req. Alb. Steinfeld May 25, 1899, at 10 A. M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book vol. 1, Mining Locations, page 58.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [130]

### NOTICE OF LOCATION.

#### QUARTZ CLAIM.

#### TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Steinfeld Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 26th day of February, 1899.

The length of the claim is 1500 feet, and I claim 1350 feet in an Easterly direction, and 150 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width

of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the East to the West.

The claim is situated and located in the Tyndal Mining District in Santa Cruz County, in the Territory of Arizona, about 1½ miles in a Northerly direction from J. Wise's Ranch House, on the South side of what is commonly known as El Plomo Hill. This is a relocation of an abandoned property.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a Westerly direction one hundred and fifty (150) feet from the discovery shaft (at which this notice is posted) being in the center of the West end lines of said claim; thence Southerly 300 feet to a monument of stones being the Southwest corner of said claim; thence Easterly 750 feet to a monument of stones at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones being at the Southeast corner of said claim; thence Northerly 300 feet to a monument of stones at the center of the East end of said claim; thence Northerly 300 feet to a monument of stones being at the Northeast corner of said claim; thence Westerly 750 feet to a monument of [131] stones being at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones at the Northwest corner of said claim; thence Southerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United

States, and of an act of the General Assembly of Arizona, entitled, "An Act Concerning Mines," approved March 20, 1895.

Dated and posted on the ground this 26th day of February, 1899.

ALBERT STEINFELD,  
Locator.

Witnesses:

J. N. CURTIS.  
NICK MATHIAS.

Filed and recorded req. Alb. Steinfeld May 25, 1899, at 10 A. M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book vol. 1, Mining Locations, page 56.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [132]

#### NOTICE OF LOCATION.

#### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Alto Mining Claim, situated on lands belonging to

the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld the undersigned, on the 22d day of May, 1899.

The length of this claim is 1500 feet and I claim 685 feet in an Easterly direction and 815 feet in a Westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course or the lode deposit and premises is from the East to the West. This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about  $1\frac{1}{2}$  miles in a Northerly direction from J. Wise's Ranch House, on what is commonly known as El Plomo Hill, about 2500 — Northwesterly from the U. S. Mineral Monument No. 2 T. D. is a relocation of an abandoned mine. The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an Easterly direction 685 feet from the discovery shaft, at which this notice is posted, being in the center of the East side lines of said claim; thence Northerly 300 feet to a monument of stones being the Northeast corner of said claim; thence westerly 750 feet to a monument of stones at the center of the North side line of said claim; thence Westerly 750 feet to a monument of stones being at the Northwest corner of said claim; thence Southerly 300 feet to a

monument of stones at the center of *of* the west end of said claim; thence southerly 300 feet to a monument of stones at the southwest corner of said claim; thence [133] Easterly 750 feet to a monument of stones being at the center of the South side line of said claim; thence Easterly 750 feet to a monument of stones at the Southeast corner of said claim; thence Northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII, of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines," approved March 20th, 1895.

Dated and posted on the ground this 22 day of May, 1899.

ALBERT STEINFELD,  
Locator.

Witness:

NICK MATHIAS.

Filed and recorded request of A. Steinfeld June 22, 1899, at 12 M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book vol. 1, Mining Locations, at page 81.



WITNESS my hand and official seal this 29th day of October, 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [134]

## NOTICE OF LOCATION.

### QUARTZ CLAIM.

TO ALL WHOM IT MAY CONCERN:

This Mining Claim, the name of which is the Albion Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purpose of exploration and purchase by Albert Steinfeld, the undersigned, on the 26th day of February, 1899.

The length of the claim is 1,500 feet, and I claim 200 feet in an easterly direction and 1,300 feet in a westerly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds, on each side of the center of said claim. The general course of the lode deposit and premises is from the east to the west.

This claim is situated and located in the Tyndal Mining District, in Santa Cruz County, in the Territory of Arizona, about two miles in a northerly direction from J. Wise's ranch house, in the east extension of the Oak Mine. This is a relocation of an abandoned property.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in an easterly direction fifty (50) feet from the discovery shaft (at which

this notice is posted), being in the center of the east end lines of said claim; thence northerly 300 feet to a monument of stones being the northeast corner of said claim; thence westerly 750 feet to a monument of stones at the center of the north side line of said claim; thence westerly 750 feet to a monument of stones being at the northwest corner of said claim; thence southerly 300 feet to a monument of stones at the center of the west end of said claim; thence southerly 300 feet to a monument of stones being in the southwest corner of said claim; thence easterly 750 feet to a monument of stones being at the [135] center of the south side line of said claim; thence easterly 750 feet to a monument of stones at the southeast corner of said claim; thence northerly 300 feet to the place of beginning.

All done under the provisions of Chapter Six of Title XXXII of the Revised Statutes of the United States, and of an act of the General Assembly of Arizona, entitled "An Act Concerning Mines," approved March 20, 1895.

Dated and posted on the ground this 26th day of February, 1899.

ALBERT STEINFELD,  
Locator.

Witnesses:

J. N. CURTIS.  
NICK MATHIAS.

Filed and recorded req. Alb. Steinfeld May 20, 1899, at 10 A. M.

W. N. CUMMINGS,  
County Recorder.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location, as the same appears of record in my office in book vol. 1, Mining Locations, at page 54.

WITNESS my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [136]

AMENDED NOTICE OF MINING LOCATION.  
LODE CLAIM.

TO ALL WHOM IT MAY CONCERN :

This Mining Claim, the name of which is the Record Mining Claim, situate on lands belonging to the United States of America, and in which there are valuable mineral deposits, was entered upon and located for the purposes of exploration and purchase by Albert Steinfeld the undersigned, on the 16th day of January, 1905.

The length of this claim is 1500 feet and I claim 550 feet in a Westerly direction, and 950 feet in an Easterly direction from the center of the discovery shaft, at which this notice is posted, lengthwise of the claim, together with 300 feet in width of the surface grounds; on each side of the center of said claim; The general course of the lode deposit and premises is from the East to the West.

The claim is situated and located in the Tyndal Mining District in Santa Cruz County, in the Territory of Arizona, about 11½ miles in a Northerly direction from Joe Wise's Ranch House and about 2500 feet N. Easterly from the Old Plomo Camp U. S. M. M. No. 2 T. D. Bears South about 3000 feet.

The surface boundaries of the claim are marked upon the ground as follows: Beginning at a monument of stones at a point in a Westerly direction 550 feet from the discovery shaft; at which this notice is posted, being in the center of the West end line of said claim; thence Northerly 300 feet to a monument of stones being the Northwest corner of said claim; thence Easterly 1500 feet to a monument of stones being at the Northeast corner of said claim; thence Southerly 300 feet to a monument of stones at the center of the East end of said claim; thence Southerly 300 feet to a monument of stones, being at the Southeast corner of said claim; thence Westerly 1500 feet to a monument of stones at the Southwest corner of said claim; thence Northerly 300 feet to the place of beginning; [137]

All done under the provisions of Chapter Six, of Title XXXII, of the Revised Statutes of the United States, and of an Act of the General Assembly of Arizona, entitled "An Act to Revise and Codify the Laws of the Territory of Arizona" approved March 16, 1901.

This is an Amended Location Notice of the Record Mining Claim, located by J. N. Curtis on

the 1st day of Jan. 1901, and recorded in book 2, Mining Locations at page 156, 7, 8, in the office of the County Recorder of the aforesaid County of Santa Cruz, to which reference is hereby made, and this Amended Location Notice is made and posted to correct errors in the description in the said original Location Notice.

Dated and posted on the ground this 16th day of January, 1905.

ALBERT STEINFELD.

Filed and recorded at the request of S. L. Kingan, Jan'y 25 A. D. 1905, at 9 A. M.

PHIL HEROLD,  
County Recorder.

#84.

State of Arizona,  
County of Santa Cruz,—ss.

I, Arcus Reddoch, county recorder in and for the county and state aforesaid, do hereby certify the foregoing to be a full, true and correct copy of mining location notice, as the same appears of record in my office, in book, vol. 5, Mining Locations, at page 191.

Witness my hand and official seal this 29th day of October, A. D. 1919.

[Seal]

ARCUS REDDOCH,  
County Recorder. [138]

**Defendants' Exhibit No. 7.**

In the Superior Court of Santa Cruz County, State  
of Arizona.

RAYMOND R. EARHART, Treasurer and *Ex-Officio* Tax Collector in and for the County of Santa Cruz in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation, The Santa Cruz Mines & Smelter Company, a Corporation, The Consolidated Mines, Smelter and Transportation Company, a Corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee of the said The Alto Copper Company and of the said The Santa Cruz Mines & Smelter Company; The Santa Rita Company, a Corporation Organized Under the Laws of the State of New York, Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona, James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy Belle Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise, and Lucia Wise, His Wife, and Albert Steinfeld and Henry F. Guerin, Receivers,  
Defendants.

MINUTE ENTRY OF AUGUST 30th, 1913.

The defendants herein having heretofore presented to the Court and filed herein their demurrer to plaintiff's complaint in this action, comes now the plaintiff herein by his counsel, W. A. O'Connor, Esq., and presents to the court and files herein his motion in writing asking that hearing of said demurrer be set for an early day; Whereupon, the Court now instructs the clerk to request counsel for defendants to advise the Court the earliest date on which said demurrer may be called for hearing.

RAYMOND R. EARHART, Treasurer and *Ex-officio* Tax Collector in and for the County of Santa Cruz in the State of Arizona,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
The Santa Cruz Mines and Smelter Company,  
a Corporation,  
Defendants.

MINUTE ENTRY OF SEPTEMBER 6th, 1913.

The defendants herein having heretofore presented to the [139] Court and filed herein, their demurrer to plaintiff's complaint in this action, it is by the Court,

ORDERED, THAT Saturday, September 20th, 1913, be and the same is now hereby fixed as the time for hearing argument on said demurrer.

RAYMOND R. EARHART, Treasurer and *Ex-officio* Tax Collector in and for the County of Santa Cruz in the State of Arizona,  
 Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
 at al.,  
 Defendants.

MINUTE ENTRY OF SEPTEMBER 20th, 1913.

ORDERED, That hearing of the demurrer of defendants to plaintiff's complaint in this cause be, and the same is hereby continued until Saturday, September 27th, 1913 at 10:00 o'clock A. M.

THE STATE OF ARIZONA, at the Relation and to the Use of RAYMOND R. EARHART, Treasurer and *Ex-officio* Tax Collector, in and for the County of Santa Cruz,  
 Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
 et als.,  
 Defendants.

MINUTE ENTRY OF SEPTEMBER 27th, 1913.

It is by the Court ORDERED, That the record show, which it does hereby, that S. F. Noon, Esq., is hereby entered as Attorney to represent the Defendants herein.

This being the time fixed heretofore, by order of the Court for a hearing on the demurrer of



defendants to plaintiff's complaint herein; comes now the plaintiff into open court by his attorneys, W. A. O'Conner, Esq., and the defendants represented by their attorney S. F. Noon, Esq.; Whereupon said demurrer being fully submitted to the Court, it is now by the Court

ORDERED, That the defendants' demurrer to plaintiff's [140] complaint herein be and the same is hereby overruled and denied; And upon request of counsel for defendant, it is

ORDERED FURTHER, That the defendants have until October 15th, 1913, in which to file their answer herein.

THE STATE OF ARIZONA, at the Relation and  
to the Use of RAYMOND R. EARHART,  
Treasurer and *Ex-officio* Tax Collector, in  
and for Santa Cruz County,  
Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation,  
et al.,  
Defendants.

MINUTE ENTRY OF NOVEMBER 12th, 1913.

Upon motion of counsel for the plaintiff herein, it is

ORDERED, That this cause be, and is hereby set for trial on Wednesday, November 19th, 1913.

STATE OF ARIZONA ex rel. R. R. EARHART,  
Tax Collector, etc,

Plaintiff,

vs.

THE ALTO COPPER COMPANY et al.,  
Defendants.

MINUTE ENTRY OF NOVEMBER 15th, 1913.

The Judge of the above-entitled court having announced his disqualification to preside upon the trial of the above-entitled actions in open court, it is hereby ordered that the above-entitled cases be set for hearing before Hon. William F. Cooper, Judge of the Superior Court of Pima County, Arizona, presiding as Judge of the Superior Court of Santa Cruz County, Arizona.

Done in open Court this 15th day of November,  
A. D. 1913.

(Signed) W. A. O'CONNER,  
Judge of the Above-entitled Court. [141]

THE STATE OF ARIZONA, at the Relation and  
to the Use of RAYMOND R. EARHART,  
Treasurer and *Ex-officio* Tax Collector, in and  
for Santa Cruz County,

Plaintiff,

vs.

ALTO COPPER COMPANY, a Corporation, et al.,  
Defendants.

MINUTE ENTRY OF NOVEMBER 19th, 1913.

IT IS ORDERED, That the order heretofore

made setting this cause for trial at this time, be and the same is now hereby vacated.

STATE OF ARIZONA, at the Relation and to the Use of RAYMOND R. EARHART, Treasurer and *Ex-officio* Tax Collector of Santa Cruz County, in the State of Arizona, Plaintiff,

vs.

THE ALTO COPPER COMPANY, a Corporation, The Santa Cruz Mines and Smelter Company, a Corporation, The Consolidated Mines, Smelter and Transportation Company, a Corporation, Alexander I. McLeod, L. J. Williams and Wilbur L. Davis, Constituting the Bondholders' Committee of the Said The Alto Copper Company, and the Said The Santa Cruz Mines and Smelter Company; The Santa Rita Company, a Corporation Organized Under the Laws of the State of New York, Arizona Copper Estate, a Corporation Organized Under the Laws of Arizona; James W. Vroom, Jane Doe Vroom, John Watts, Jane Doe Watts, Cornelius C. Watts, Jane Doe Watts, Dabney C. T. Davis, Jane Doe Davis, Daisy L. Bouldin, James E. Bouldin, Jane Doe Bouldin, J. E. Wise and Lucia Wise, His Wife, and Albert Steinfeld and Henry F. Guerin, Receivers,  
Defendants.

MINUTE ENTRY OF DECEMBER 5th, 1913.

It is ORDERED, That Frank J. Duffy, Esq.,

be and is hereby entered as counsel for the plaintiff herein.

Upon his request it is ORDERED, That S. F. Noon, Esq., be and he is hereby granted leave to withdraw as counsel for the defendants herein.

This cause now coming on regularly at this time for trial the plaintiff appearing in person and with his attorney, Frank J. Duffy, Esq., and there being no appearance by or on behalf of the defendants, and no answer or other pleadings having been filed by [142] or on behalf of the defendants, although all of the defendants have been served with process as appears of record, and the default of the defendants having been entered according to law; and the plaintiff having announced "ready for trial," trial now proceeds before the Court sitting without a jury, trial by jury having been waived, as follows, to wit: R. R. Earhart, the plaintiff, is duly sworn as a witness and testifies; and there being no further testimony offered, and the evidence being closed, the cause is now submitted to the Court for its deliberation and decision; and the Court having heard all the evidence submitted and having carefully considered the same, and being fully advised in the premises, does now

ORDER, That Judgment be, and is hereby entered for the plaintiff and against the defendant herein, for the sum of \$3,241.35, being taxes and interest due to date, clerk's fees and penalties on the said taxes and costs of suit including attorney fees, and for all accruing costs and interest, and that the lien of the State of Arizona, upon the property

taxed herein, be enforced and all equities foreclosed.

State of Arizona,  
County of Santa Cruz,—ss.

I, Robt. E. Lee, Clerk of the Superior Court of the State of Arizona, in and for the County of Santa Cruz, do hereby certify that the attached and foregoing minute entries of said Superior Court, are full, true and correct copies of the originals thereof as the same appear in the minute-book of said Superior Court, and of each and every part thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court at Nogales, Arizona, this 1st day of November, A. D. 1919.

[Seal]

ROBT. E. LEE,  
Clerk of said Superior Court.

[Endorsed]: Certified Copy of Minute Entries Defts. Exhibit 7 for Identification. Nov. 4th, 1919.

[143]

**Defendants' Exhibit No. 8.**

In the Superior Court of the State of Arizona in  
and for the County of Santa Cruz.

No. 155.

THE STATE OF ARIZONA, at the Relation and to  
the Use of R. R. EARHART, Treasurer and  
Tax Collector of the County of Santa Cruz,  
Arizona,

Plaintiff,

vs.

ALTO COPPER COMPANY et al.,

Defendants.

**ORDER TO FILE AFFIDAVIT.**

It appearing to the Court that Henry F. Guerin, as receiver, is one of the defendants in the above-entitled cause, and that by inadvertence his name was omitted in the affidavit of publication filed in said cause, but it appearing further that said Guerin was actually served and a copy of the complaint in said cause, with summons attached thereto, was duly served upon him, and the said Guerin being Receiver of this Court in another cause, and the Court having jurisdiction over the said Guerin as such receiver.

It is ORDERED that the plaintiff in the above-entitled cause *my* now file *nunc pro tunc* an affidavit for service by publication, and that said affidavit when so filed shall have like force and

effect as if filed prior to the service by publication made in the above-entitled cause.

Dune at Nogales, Arizona, this 25th day of March, 1914.

(Signed) W. A. O'CONNOR,  
Judge.

State of Arizona,  
County of Santa Cruz,—ss.

I, Robt. E. Lee, Clerk of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, do hereby certify that the attached and foregoing is a full, true and correct copy of the original order filed in the above-entitled cause, as the same appears of record and on file in [144] this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court at Nogales, Arizona, this 3d day of November, A. D. 1919.

[Seal Omitted] \_\_\_\_\_,  
Clerk of said Superior Court.

[Endorsed]: Certified copies. Order. Defts. Exhibit 8 Marked for Identification. Nov. 4th, 1919. Filed March 25, 1914. Edw. L. Mix, Clerk. [145]

**Defendants' Exhibit No. 9.**

In the Superior Court of the State of Arizona, in  
and for the County of Santa Cruz.

No. 155.

THE STATE OF ARIZONA, at the Relation and to  
the Use of RAYMOND R. EARHART,  
Treasurer and Tax Collector of the County  
of Santa Cruz,

Plaintiffs,

vs.

ALTO COPPER COMPANY, a Corporation, et al.,  
Defendants.

**AFFIDAVIT OF RAYMOND R. EARHART.**

Raymond R. Earhart, being first duly sworn, deposes and says that he is the same R. R. Earhart at whose relation and use the above-entitled action has been commenced and is maintained. That the defendant, Henry F. Guerin, Receiver, is a non-resident of the State of Arizona, and is absent from said State, and is a resident, as affiant is informed and believes, of the State of Ohio, and resides at the city of Columbus in said state, but that the street number and address of said Guerin is unknown to this affiant, save and except, that his office is in Hartman Bldg., said city, and that all of above facts existed and were true at the time of filing, and during continuance of said action.

(Signed) RAYMOND R. EARHART.



Subscribed and sworn to before me this 25th day of March, 1914.

[Seal]                      (Signed) PHIL HEROLD,  
Notary Public.

My commission expires Feby. 23, 1916.

State of Arizona,  
County of Santa Cruz,—ss.

I, Robt. E. Lee, Clerk of the Superior Court of the State of Arizona, in and for the county of Santa Cruz, do hereby certify that the attached and foregoing is a full, true and correct copy of an original affidavit of R. R. Earhart, [146] treasurer aforesaid, as the same appears of record and on file in this office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Superior Court at Nogales, Arizona, this 3d day of November, A. D. 1919.

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Clerk of said Superior Court.

[Endorsed]: Certified Copy. Affidavit. Defts. Exhibit 9 Marked for Identification. Filed March 25, 1914. Edw. L. Mix, Clerk. [147]

**Defendants' Exhibit No. 10.**

In the United States District Court for the District  
of Arizona.

No. 107—At LAW (Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

against

ALTO MINES COMPANY et al.,

Defendants.

Defendant's exhibit referred to on page 22 of the stenographer's transcript of proceedings herein, being section 18 of the bill in Lane vs. Watts, filed December 11, 1908:

18. "That thereafter, though thereunto frequently required and requested by the heirs and representatives of Luis Maria Baca, the Commissioner of the General Land Office failed and refused to continue, or have made, the said survey ordered by the Commissioner of the General Land Office on April 9, 1864, and persisted in said failure and refusal until, on or about June 17, 1905, on which date the Commissioner of the General Land Office, by an official order of the said date, authorized and directed the Surveyor General of Arizona, to cause a survey to be made and that pursuant to said order of the Commissioner and under contract No. 136, dated June 17, 1905, one Phillip Contzen was authorized and required to run the

lines indicated in the application to locate Float No. 3 hereinbefore set out, so as to adjust the lines, as near as might be, to the lines of the public surveys.

That pursuant to said order and said contract, the said Phillip Contzen and others made the said survey of said lines and forwarded the same to Surveyor General of Arizona; that *or* or about November 23, 1906, the Surveyor General of Arizona made the following endorsement upon said plat of said survey: 'This plat of Baca Float No. 3, private land claim, situated in Santa Cruz County in the Territory of Arizona, is strictly conformable to the field notes of survey thereof executed from November 3 to December 23, 1905, by Phillip Contzen, Deputy Surveyor, under his contract No. 136, dated June 17, 1905, which have been examined, approved and filed in this office. U. S. Surveyor General's Office, Phoenix, Arizona, November 23, 1906. Frank S. Ingalls, U. S. Surv. "Gen'l"; and that the said plat and survey have been examined and found correct by the Commissioner of the General Land Office.' [148]

A true copy from the printed record in Lane vs. Watts.

G. H. GREVILLIER,  
Attorney for Defendant Herein.

[Endorsed]: Defendant's Exhibit No. 10, Being the Exhibit Referred to in the Second Paragraph on Page 3 of Statement in Narrative Form of the

Evidence and Proceedings in this Trial, Filed February 13, 1924. Said Exhibit 10, Filed as a Part of this Record, Feb. 13, 1924, by Direction of the Court.

C. R. McFALL,  
Clerk U. S. Dist. Court, Dist. of Ariz. [149]

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**Defendants' Exhibit No. 11.**

In the United States District Court for the District  
of Arizona.

No. 107—AT LAW—(Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

against

ALTO MINES COMPANY et al.,

Defendants.

Extract from the answer, filed July 22, 1909, of the Commissioner of the General Land Office and the Secretary of the Interior to Section 18 of the Bill in Lane vs. Watts, and which extract is found on page 36 of the printed record in that case, and is referred to on page 22 of the stenographer's transcript of proceedings herein:

“These defendants admit, however, that a survey of that tract now in question was made in 1905 and that the plat and survey were examined and approved as strictly conformable to the field notes of the survey, but the circumstances leading to and connected with such survey will be more fully set out hereinafter.”

A true copy from the printed record in Lane vs. Watts.

G. H. BREVILLIER,  
Attorney for Defendant Herein.

Defendant's Exhibit No. 11, being the exhibit referred to in the second paragraph on page 3 of Statement in Narrative Form of the Evidence and Proceedings in this trial, filed February 13, 1924. Said Exhibit 11, filed as a part of this record, Feb. 13, 1924, by direction of the Court.

C. R. McFALL,  
Clerk U. S. Dist. Court, Dist. of Arizona. [150]

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**Defendants' Exhibit No. 12.**

In the United States District Court for the District  
of Arizona.

No. 107—AT LAW—(Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

against

ALTO MINES COMPANY et al.,

Defendants.

Certificate attached to the plat of the Contzen survey, as found on page 255 of the printed record in Lane vs. Watts, and referred to on page 22 of the stenographer's transcript of proceedings herein:

“Department of the Interior,  
General Land Office,

Washington, D. C., January 12, 1909.

I hereby certify that the annexed tracing of the

plat of survey of the location of Baca Float No. 3, Arizona, approved by the Surveyor General of Arizona, November 23, 1906, and the annexed copy of the report of the Surveyor General of Arizona to the Commissioner of the General Land Office, dated November 5, 1906, on the validity of said location, are true and literal exemplifications of the originals thereof on file in this office.

In testimony whereof I have hereunto subscribed my name and caused the seal of this office to be affixed, at the city of Washington, on the day and year above written.

[Seal]

H. W. SANFORD,  
Recorder of the General Land Office."

A true copy from the printed record in Lane vs. Watts.

G. H. BREVILLIER,  
Attorney for Defendant Herein.

Defendant's Exhibit No. 12, being the exhibit referred to in the second paragraph on page 3 of Statement in Narrative Form of the Evidence and Proceedings in this trial, filed February 13, 1924, Said Exhibit 12, filed as a part of this record, Feb. 13, 1924, by direction of the Court.

C. R. McFALL,  
Clerk U. S. Dist. Court, Dist. of Arizona. [151]

In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transpor-  
tation Company, a Corporation Organized  
Under the Laws of the State of Delaware,  
Albert Steinfeld, Henry S. Guerrin, John  
Doe, Richard Roe, Henry Roe, James Doe,  
James Roe, Arthur Doe and Arthur Roe,

Defendants.

**Statement in Narrative Form of the Evidence and  
Proceedings in the District Court for the Dis-  
trict of Arizona in Above-entitled Cause.**

It was stipulated that a statement of the title  
signed by counsel for all parties present or rep-  
resented at the trial, setting out the title of the  
plaintiffs down to April, 1915, should be filed, and

considered in order to avoid the necessity of offering all the deeds to the tract of land known as Baca Float No. 3, said statement to stand in place of original deeds with the same force and effect as the original papers therein recited.

Plaintiffs' Exhibit 1 offered and received in evidence, and it is stipulated to be a correct map of the Alto Group of Mines marked Exhibit 1.

Thereupon the plaintiffs rested.

The defendant the Alto Mines Company offered various documents, which were received in evidence marked and filed with the papers of said cause as Defendant's Exhibits 1, 2, 3, 4, 5, 6, 7, 8 and 9.

It was stipulated that uncertified copies of the various [152] documents offered in evidence might be received with the same force and effect as if they were duly certified.

It was stipulated that Mr. Weldon M. Bailey, who was then and there the attorney for the plaintiffs in this action, attended the tax sale and made no objection thereto.

It was stipulated that the Alto Mines Company is a corporation duly organized and existing under the laws of Arizona.

Whereupon the defendant rested.

The plaintiffs' case in rebuttal.

It was stipulated between counsel that the decree in the case of Lane against Watts in the Supreme Court of the United States directed the filing of a survey of Baca Location No. 3, and that that was done some time early in the month of December, 1914.



Plaintiffs' Exhibits 2, 3 and 4 offered and received in evidence.

Mr. Brevellier, attorney for the Alto Mines Company, a corporation, stated that the officers of the Santa Cruz Development Company on June 29, 1914, were as follows:

James W. Vroom, President:

Daniel G. Curtis, Vice-president;

G. H. Brevellier and either

Mr. Brevellier or his stenographer, Secretary.

The stock of the Santa Cruz Development Company then and at all times has been held as follows:

James W. Vroom owns one-half, and the remaining one-half is divided among four persons: Mr. Curtis, Doctor J. A. Root, G. H. Brevellier, and a man named Collins.

The stock of the Alto Mines Company was divided equally between Doctor Root, Mr. Curtis and G. H. Brevellier, and its officers were Doctor Root, president; Mr. Curtis, vice-president, [153] G. H. Brevellier, I think, was treasurer, and either Mr. Brevellier or his stenographer was secretary.

The conveyance made by the Santa Cruz Development Company was in accordance with an arrangement made by James W. Vroom with the Santa Cruz Development Company, that it would cause forthwith whatever title it had to be conveyed to the Alto Group of mines to G. H. Brevellier or his nominee for the benefit of the persons interested in the Alto Mining Company.

The defendant, The Alto Mines Company, then introduced in evidence Section 18 of the bill in

equity, in the case of Lane vs. Watts, filed December 11, 1908, and an extract from the answer of the Commissioner of the General Land Office, and the Secretary of the Interior to Section 18 of the bill in Lane vs. Watts, filed July 22, 1909, and also page 255 of said record being the certificate attached to the plat of the Contzen Survey to the report of the Surveyor-General of Arizona in connection therewith, by reading from the printed abstract of record in said case, which were received in evidence with the understanding that copies of the portions thereof introduced in evidence should be substituted therefor and filed with the Clerk.

The defendant, The Alto Mines Company, then introduced in evidence a plat of the Contzen Survey of Baca Float No. 3 approved and filed in the office of the United States Surveyor General of Arizona on November 23, 1906, the same being a certified copy of the plat which was on file in the records of said court in another case. The Court stated that the plat would be considered, but would not be withdrawn from the files in the other case, and Mr. Brevellier, one of the attorneys for the defendant, agreed to furnish another copy on request of the Clerk of the Court. The extracts from the record in the case [154] of Lane vs. Watts, and the additional copy of the plat of the Contzen Survey were furnished later and are now on file in the Clerk's office.

It is stipulated that Daisy Belle Bouldin died in 1907. She and James E. Bouldin were married

in Texas and lived in Texas for at least five years after their marriage.

It is stipulated that Mr. Weldon M. Bailey is and was at all times mentioned a citizen of the State of Texas; and it is further stipulated that the value of the property in controversy is and has been at all times herein mentioned over \$3,000.00.

Approved:

JOHN H. CAMPBELL,  
SAMUEL L. KINGAN,  
A. R. CONNER,

Attorneys for Plaintiffs.

BEN C. HILL,

Attorney for Defendant The Alto Mines Company.

The foregoing statement of the evidence and of the proceedings had on the trial of the above-entitled cause is approved this 13th day of February, 1924.

WM. H. SAWTELLE,

Judge.

[Endorsed]: Filed Feb. 13, 1924. C. R. McFall,  
Clerk. By Agnes Borrego, Deputy Clerk. [155]

In the United States District Court for the District  
of Arizona.

No. L.-107—(Tucson).

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transpor-  
tation Company, a Corporation Organized  
Under the Laws of the State of Delaware,  
Albert Steinfeld, Henry F. Guerin, John Doe,  
Richard Roe, Henry Roe, James Doe, James  
Roe, Arthur Doe and Arthur Roe,

Defendants.

### **Motion for New Trial.**

Come now the plaintiffs and move the Court to  
set aside the judgment heretofore entered herein  
and to grant a new trial for the following reasons:

#### **I.**

That the Court erred in holding that the prop-  
erty described in the plaintiff's complaint or any

portion thereof was subject to taxation prior to 1914 when it was segregated from the public domain.

II.

That the Court erred in holding and deciding that the judgment of the Superior Court of the county of Santa Cruz foreclosing a lien for taxes for the years 1910, 1911, and 1912, was a valid judgment against the plaintiffs herein and that the sale made thereunder is a valid sale and that said judgment and said sale may not be collaterally attacked.

III.

That the Court erred in holding and deciding that the one-half interest in the property owned by Daisy Belle Bouldin at [156] the time of her death in 1908 and which descended to her children, Helen L. Bouldin and David W. Bouldin, was affected by said judgment of said Superior Court of Santa Cruz County or by the sale made thereunder, for the reasons that at the time of the institution of said suit in said Superior Court Daisy Belle Bouldin was dead and her heirs, Helen L. Bouldin and David W. Bouldin were not parties to said action.

IV.

That the judgment entered herein does not describe the property which the Court holds and decides is the property of the defendant the Alto Mines Company.

This motion is based upon the pleadings, papers on file, and upon the minutes of the court including the reports, transcript of shorthand notes and such

notes and memoranda as may have been kept by the Judge.

WELDON M. BAILEY,  
JOHN H. CAMPBELL,  
Attorneys for Plaintiffs.

[Endorsed]: Service by copy accepted this — day of February, 1923.

BEN C. HILL,  
Attorney for Defendants.

Filed Feb. 26, 1923. C. R. McFall, Clerk. In the United States District Court for the District of Arizona. By Earl T. Cox, Deputy Clerk. [157]

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In the United States District Court for the District of Arizona.

No. L.-107—(Tucson).

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation Organized Under the Laws of the State of Arizona, The Alto Copper Company, a Corporation Organized Under the Laws of the State of Maine, The Santa Cruz Mines and Smelter Company, a Corporation Organized Under the Laws of the State of Arizona, The Consolidated Mines, Smelter and Transpor-

tation Company, a Corporation Organized Under the Laws of the State of Delaware, Albert Steinfeld, Henry F. Guerin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe,  
Defendants.

**Amended Motion for New Trial.**

Come now the plaintiffs and move the Court to set aside the judgment heretofore entered herein and to grant a new trial for the following reasons:

I.

That the Court erred in holding that the property described in the plaintiff's complaint or any portion thereof was subject to taxes prior to the year 1914 when it was segregated from the public domain; that prior to the year 1914 said property had not been segregated from the public domain of the United States and the taxation thereof was not authorized by and was contrary to the Constitution and laws of the United States, and the judgment rendered herein is not authorized by but is contrary to the Constitution and laws of the United States.

II.

That the Court erred in holding and deciding that the judgment of the Superior Court of the County of Santa Cruz foreclosing a lien for taxes for the years 1910, 1911 and 1912 was a valid judgment against the plaintiffs herein and that the sale made thereunder is a valid sale and that said judgment and said sale may not be collaterally attacked.

## III.

That the Court erred in holding and deciding that the one-half interest in the property owned by Daisy Belle Bouldin at the time of her death in 1908 and which descended to her children, Helen L. Bouldin and David W. Bouldin, was affected by said judgment of said Superior Court of Santa Cruz County or by the sale made thereunder, for the reasons that at the time of the institution of said suit in said Superior Court Daisy Belle Bouldin was dead and her heirs, Helen L. Bouldin and David W. Bouldin were not parties to said action.

## IV.

That the judgment entered herein does not describe the property which the Court holds and decides is the property of the defendant the Alto Mines Company.

This motion is based upon the pleadings, papers on file, and upon the minutes of the court including the reports, transcript of the shorthand notes and such notes and memoranda as may have been kept by the Judge.

W. M. BAILEY,  
KINGAN, CAMPBELL & O'CONNOR,  
Attorneys for Plaintiffs.

[Endorsed]: Received copy March 28th, 1923.  
BEN C. HILL,  
Attorney for Alto Mines Co., Defendant.

Filed Mar. 28, 1923. C. R. McFall, Clerk.  
United States District Court for the District of  
Arizona. By Earl T. Cox, Deputy. [159]



November, 1922, Term—Tucson.

In the United States District Court for the District of Arizona.

Hon. WILLIAM H. SAWTELLE, United States District Judge, Presiding.

Minute Entry of April 2, 1923.

No. L.-107—(Tucson).

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

ALTO MINES COMPANY, a Corporation, et al.,  
Defendants.

**Minutes of Court—April 2, 1923—Order Continuing  
Hearing of Motion for New Trial.**

IT IS ORDERED THAT HEARING on plaintiff's motion for new trial be passed until April 3, 1923.

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Minute Entry of April 3, 1923.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation,  
The Alto Copper Company, a Corporation,

The Santa Cruz Mines & Smelter Co., a Corporation, Albert Steinfeld, Henry F. Guerin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe, and Arthur Roe,

Defendants.

**Minutes of Court—April 3, 1923—Order Submitting  
Motion for New Trial.**

The plaintiffs' motion for new trial comes on regularly for hearing this date. J. H. Campbell, Esquire, is present for the plaintiffs, and Ben C. Hill, Esquire, for defendant The Alto Mines Company.

The motion is argued by counsel and submitted to the Court, and by the Court taken under advisement. [160]

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May, 1923, Term—Tucson Division.

In the United States District Court for the District of Arizona.

Honorable WILLIAM H. SAWTELLE, United States District Judge, Presiding.

Minute Entry of September 11, 1923.

L.-107—(Tucson.).

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY et al.,

Defendants.

**Minutes of Court—September 11, 1923—Order  
Overruling Motion for New Trial.**

Plaintiffs' motion for new trial having been submitted and taken under advisement, and the Court having fully considered the same, does now ORDER that same be, and is hereby overruled. [161]

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May, 1923, Term—Tucson Division.

In the United States District Court for the District of Arizona.

Honorable WILLIAM H. SAWTELLE, United States District Judge, Presiding.

Minute Entry of September 22, 1923.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation Organized Under the Laws of the State of Arizona, The Alto Copper Company, a Corporation Organized Under the Laws of the State of Maine, The Santa Cruz Mines and Smelter Company, a Corporation Organized Under the Laws of the State of Arizona, The Consolidated Mines, Smelter and Transportation Company, a Corporation Organized Under the Laws of the State of Dela-

ware, Albert Steinfeld, Henry F. Guerin,  
John Doe, Richard Roe, Henry Roe, James  
Doe, James Roe, Arthur Doe and Arthur  
Roe,

Defendants.

**Minutes of Court—September 22, 1923—Judgment  
Nunc Pro Tunc.**

The above-entitled action came on regularly for trial on the 4th and 5th days of November, 1919, John H. Campbell, Esquire, and Weldon M. Bailey, Esquire, appearing as counsel for the plaintiffs, and G. H. Brevillier, Esquire, and Ben C. Hill, Esquire, appearing as counsel for the defendant, Alto Mines Company, and none of the other defendants appearing either in person or by counsel; and, a trial by jury having been expressly waived by counsel for the respective parties, the case was tried before the Court sitting without a jury; and, evidence having been introduced by each of the respective parties, the case was submitted for decision; and the Court having considered the same, and being fully advised, judgment is now rendered in favor of the defendant, Alto Mines Company, and against the plaintiffs;

NOW, THEREFORE, by reason of the law, IT IS ORDERED, ADJUDGED and DECREED that the plaintiffs take nothing by this action, and that [162] the defendant, Alto Mines Company, a corporation, do have and recover judgment against said plaintiffs as to that part of the whole property described in plaintiffs' complaint herein, particularly described as follows, to wit:

All of those certain pieces or parcels of the demanded premises, being:

All those certain mines, mining claims, mining properties and the land covered thereby, with the appurtenances, situate, lying and being in the Tyn-dall Mining District, County of Santa Cruz, State of Arizona, as follows, to wit:

OPHIR No. 2, the location notice of which is recorded in Book 5 of Mining Locations, at page 189;

OPHIR No. 1, the location notice of which is recorded in Book 5 of Mining Locations, at page 188;

EXCELSIOR, the location notice of which is recorded in Book 1 of Mining Locations, at page 85;

EXCELSIOR WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 93;

BUENA VISTA, the location notice of which is recorded in Book 1 of Mining Locations, at page 86;

HILLSIDE, the location notice of which is recorded in Book 2 of Mining Locations, at page 160;

DONAU, the location notice of which is recorded in Book 1 of Mining Locations, at page 88;

GREAT EASTERN, the location notice of which is recorded in Book 2 of Mining Locations, at page 162;

GRAND PRIZE, the location notice of which is recorded in Book 1 of Mining Locations, at page 84;

ALTO EAST, the location notice of which is recorded in Book 1 of Mining Locations, at page 82;

Also all that part and parcel of the STEINFELD WEST, ALBERT, STEINFELD, ALTO, ALBIAN and RECORD, which lies south of the north boundary of Baca Float No. 3, as selected on June 17th, 1863, under and pursuant to an act of Congress approved June 21st, 1860, as said line is now fixed and established by the survey of Philip Contzen, Deputy Mineral Surveyor, made in the year 1905.

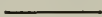
The location notices of said respective claims last mentioned, are recorded as follows: STEINFELD WEST, the location notice of which is recorded in Book 1 of Mining Locations, at page 80; ALBERT, the location notice of which is recorded in Book 1 of Mining Locations, at page 58; STEINFELD, the location notice of which is recorded in Book 1 of Mining Locations, at page 56; ALTO, the location notice of which is recorded in Book 1 of Mining Locations, at page 81; ALBIAN, the location notice of which is recorded in Book 1 of Mining Locations, at page 54, and the RECORD, the location notice of which is recorded in Book 5 of Mining Locations, at page 191. The book and page references hereinabove made, are to the books in the County Recorder's office of Santa Cruz County;

—and for its costs wherein taxed at \$71.00.

WHEREAS, the judgment heretofore entered on the 19th day of February, 1923, is in favor of the defendants instead of the defendant Alto Mines Company, no other defendant having answered, and [163]

WHEREAS, said judgment fails to describe that part of the entire property claimed by the plaintiffs for which the said defendant Alto Mines Company is entitled to judgment,

NOW, THEREFORE, IT IS ORDERED, that this judgment be and the same is hereby entered as of the 19th day of February, 1923, in substitution for the judgment heretofore entered on said date. [164]



In the District Court of the United States for the  
District of Arizona.

No. L.-107—Tucson.

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY et al.,

Defendants.

**Memorandum Opinion.**

This is an action in ejectment to recover that portion of the Alto Group of Mines located within the boundaries of the Baca Float in Santa Cruz County, Arizona.

At the time the mining claims were located, it was supposed that the same were upon the public domain and subject to location. The history of the mines and the development and operation of the same as well as the history of the Baca Float is familiar to all of us. Many years after the mines ceased operations and after the boundaries of the Baca Float had been located and established, it was ascertained that the greater and most valuable portions of the mining claims were located within the boundaries of the Baca Float, and only a few years ago, the title to the said Float was confirmed in said plaintiffs and their grantors. During the progress of the litigation among claimants of the Baca Float, the mining claims were assessed for taxes, and the taxes not being paid, were, by the Superior Court of Santa Cruz County, Arizona, ordered sold and were sold for such taxes, and at said sale the defendants herein became the purchasers, paying therefor three or four thousand dollars.

Plaintiffs have established a perfect title to the property up to the time of the sale above mentioned and the real controversy raised here is the validity of that sale. Plaintiffs contend that at the time the property was assessed for taxes, it



had not been segregated from the public domain, and therefore was not subject to taxation. I must confess that I, myself, entertained grave doubts as to whether it was subject to taxation by the State of Arizona prior to the year 1914, but in a similar case involving the same question regarding other portions of the Baca Float, the Supreme Court of Arizona held that other portions of the Float [165] were subject to taxation, and I feel bound by that decision; the same being a construction of an Arizona statute by the Arizona Supreme Court.

There are other questions raised by the pleadings but I do not believe that the validity of the tax sale can be collaterally attacked in this proceeding, and in my opinion, the judgment of the Superior Court of Santa Cruz County was a valid judgment, binding upon all the parties thereto, and especially inasmuch as it is conceded that the attorney for the plaintiffs herein was present at the sale and made no objection thereto.

Judgment will be entered for defendants.

[Endorsed]: Filed Feb. 27, 1923. C. R. McFall, Clerk. United States District Court, for the District of Arizona. By Earl T. Cox, Deputy.  
[166]

In the District Court of the United States for  
the District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona,  
The Consolidated Mines, Smelter and Trans-  
portation Company, a Corporation Organ-  
ized Under the Laws of the State of Dela-  
ware, Albert Steinfeld, Henry F. Guerin,  
John Doe, Richard Roe, Henry Roe, James  
Doe, James Roe, Arthur Doe and Arthur  
Roe,

Defendants.

**Petition for Writ of Error.**

To the Honorable WILLIAM H. SAWTELLE,  
Judge of the District Court Aforesaid:

Now come James E. Bouldin, David W. Boul-  
din, Helen L. Bransford (formerly Helen L.  
Bouldin) and Weldon M. Bailey, by their attor-

neys, and respectfully show that on the 19th day of February, 1923, a final judgment was entered against your petitioners, plaintiffs James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey, and in favor of the Alto Mines Company, a corporation, and a motion for a new trial was denied by order entered on the 11th day of September, 1923.

Your petitioners feeling themselves aggrieved by the said judgment and the said order as aforesaid, herewith petition the Court for an order allowing them to prosecute a writ of error to the Circuit Court of Appeals of the United States for the Ninth Circuit under the laws of the United States in such cases made and provided. [167]

WHEREFORE, premises considered, your petitioners pray that a writ of error do issue; that an appeal in this behalf to the United States Circuit Court of Appeals aforesaid sitting at San Francisco, California, in said circuit, for the correction of the errors complained of and herewith assigned, be allowed; and that an order be made fixing the amount of the security to be given by plaintiffs in error conditioned as the law directs and upon giving such bond as may be required that all further proceedings may be suspended until the determination of said writ of error by said Circuit Court of Appeals.

SAMUEL L. KINGAN,

JOHN H. CAMPBELL,

A. R. CONNER,

Attorneys for Petitioners in Error.

[Endorsed]: Filed Feb. 8, 1924. C. R. McFall,  
Clerk. [168]

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In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State  
of Arizona, The Alto Copper Company, a  
Corporation Organized Under the Laws of  
the State of Maine, The Santa Cruz Mines  
and Smelter Company, a Corporation Or-  
ganized Under the Laws of the State of  
Arizona, The Consolidated Mines, Smelter  
and Transportation Company, a Corporation  
Organized Under the Laws of the State of  
Delaware, Albert Steinfeld, Henry S. Guer-  
rin, John Doe, Richard Roe, Henry Roe,  
James Doe, James Roe, Arthur Doe and  
Arthur Roe,

Defendants.

**Writ of Error (Copy).**

The President of the United States to the Honorable  
WILLIAM H. SAWTELLE, Judge of the  
District Court of the United States for the  
District of Arizona, GREETING:

Because in the record and proceedings, as also  
in the rendition of the judgment of a plea which  
is in the said District Court before you between  
James E. Bouldin, David W. Bouldin, Helen L.  
Bransford (formerly Bouldin) and Weldon M.  
Bailey, plaintiffs in error, and The Alto Mines  
Company, a corporation, defendant in error, a  
manifest error has happened to the damage of  
James E. Bouldin, David W. Bouldin, Helen L.  
Bransford (formerly Bouldin) and Weldon M.  
Bailey, plaintiffs in error, as by said complaint  
appears, and we being willing that error, if any  
hath been, should be corrected, and full and speedy  
justice be done to the parties aforesaid in this  
behalf, do command you if judgment be therein  
given, that under your seal you send the record and  
proceedings aforesaid, with all things [169] con-  
cerning the same, to the United States Circuit  
Court of Appeals for the Ninth Circuit, together  
with this writ, so that you have the same at San  
Francisco, in the State of California, where said  
court is sitting, within thirty days from the date  
hereof, in the said Circuit Court of Appeals to be  
then and there held, and the record and proceedings  
aforesaid being inspected, the said United States  
Court of Appeals may cause further to be done

therein to correct the error what of right, and according to the laws and customs of the United States should be done.

WITNESS the Honorable WILLIAM H. TAFT, Chief Justice of the United States, this the 8th day of February, A. D. 1924.

C. R. McFALL,  
Clerk of the United States District Court for the  
District of Arizona.

Allowed this the 8th day of February A. D. 1924.

WM. H. SAWTELLE,  
United States Judge.

[Endorsed]: Filed Feb. 8, 1924. C. R. McFall, Clerk, United States District Court, for the District of Arizona. [170]

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In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and

Smelter Company, a Corporation Organized Under the Laws of the State of Arizona, The Consolidated Mines, Smelter and Transportation Company, a Corporation Organized Under the Laws of the State of Delaware, Albert Steinfeld, Henry S. Guerrin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe,  
Defendants.

**Order Granting Writ of Error.**

The petition of James E. Bouldin, David W. Bouldin, Helen L. Bransford (formerly Bouldin) and Weldon M. Bailey for a writ of error to the United States Circuit Court of Appeals for the Ninth Circuit sitting at San Francisco, California, in said Circuit, is hereby granted. Bond is fixed at one thousand dollars (\$1,000.00) to be conditioned as the law directs, and all proceedings in said cause are hereby stayed until the determination of the writ of error by the United States Circuit Court of Appeals for the Ninth Circuit.

Dated this 8th day of February, 1924.

WM. H. SAWTELLE,  
Judge.

[Endorsed on back]: Filed Feb. 8, 1924. C. R. McFall, Clerk, United States District Court for the District of Arizona. [171]

In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation,  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transporta-  
tion Company, a Corporation Organized Un-  
der the Laws of the State of Delaware,  
Albert Steinfeld, Henry S. Guerrin, John  
Doe, Richard Roe, Henry Roe, James Doe,  
James Roe, Arthur Doe and Arthur Roe,

Defendants.

#### **Assignment of Errors.**

Come now James E. Bouldin, David W. Bouldin,  
Helen L. Bransford (formerly Helen L. Bouldin)  
and Weldon M. Bailey, plaintiffs in error in the  
above-numbered and entitled cause and in con-  
nection with their petition for a writ of error  
in this cause assign the following errors which



plaintiffs in error aver occurred in the trial thereof and upon which they rely to reverse the judgment rendered herein as appears of record:

1. That the Court erred in holding and deciding that the property described in the plaintiffs' complaint or any portion thereof was subject to taxation by the Territory of Arizona for any year prior to the year 1914, when it was segregated from the public domain, for the reason that prior to the year 1914 said property had not been segregated from the public domain of the United States and taxation thereof by the Territory of Arizona was not authorized, but was contrary to the Constitution and laws of the United States. [172]

2. That the Court erred in holding and deciding that the judgment of the Superior Court of the County of Santa Cruz, State of Arizona, foreclosing liens for taxes for the years 1910, 1911 and 1912 is a valid judgment against the plaintiffs herein and that the sale made thereunder is a valid sale and that that said judgment and said sale may not be collaterally attacked, for the reason that during all of the years for which said taxes were attempted to be levied said property was not subject to taxation by the Territory of Arizona, it not having been segregated from the public domain of the United States; and for the further reason that said taxes were purported to be levied against said property as mining claims which had been located upon public lands of the United States, while in fact said property and all thereof had, prior to said attempted location of said mining

claims, been granted by the United States and the title thereto had vested in the plaintiffs in error, or their grantors, although said lands had not been segregated from the public domain; and for the further reason that the judgment rendered in said Superior Court was and is invalid in the following particulars:

(a) The assessments for the year 1910 are to the Consolidated Mines, Smelter and Transportation Company, and for the year 1912 are to the Alto Copper Company, Albert Steinfeld and H. S. Guer-rin, Receivers, and not to plaintiffs in error or their predecessors in title or to any of them.

(b) The descriptions in said assessments were of the mining locations such as are made on the vacant public mineral lands of the United States, and do not describe the lands of the plaintiffs in error or their predecessors in title as the same were granted by the United States, and are insufficient to give notice to the true owners. [173]

3. The Court erred in holding and deciding that the deed made by the Sheriff conveyed the title of the plaintiffs in error or their grantors, for the reason:

(a) The execution does not state the amount due for taxes and interest upon each of the so-called mining claims, and directs the Sheriff to levy upon and sell as under ordinary execution.

(b) The execution does not set forth the amount due upon each separate tract as is required by law. The Sheriff without right sold eight of the so-called mining claims in one lot for a lump sum, and not

separately, for the taxes found to be due upon each separate tract, thus preventing redemption of one without redeeming all.

(e) The levy was only upon mining claims and the sale conveyed no interest in the lands granted by the United States to the grantors of the plaintiffs in error, but only such interest, if any, as was obtained by attempted mineral locations.

(e) The purchase by the Alto Mines Company at the Sheriff's sale operated merely as payment of the taxes.

4. The Court erred in holding and deciding that the one-half interest in the property owned by Daisy Belle Bouldin at the time of her death and which descended to her children, Helen L. Bouldin and David W. Bouldin, was affected by said judgment of said Superior Court of Santa Cruz County, Arizona, or by the sale made thereunder, for the reason that at the time of institution of said suit in said Superior Court Daisy Belle Bouldin was dead and her heirs, Helen L. Bouldin and David W. Bouldin, were not parties to said action in said Superior Court.

5. That the Court erred in rendering judgment for the defendant in error Alto Mines Company and in not rendering judgment in favor of plaintiffs in error, for the reasons [174] heretofore stated.

WHEREFORE, plaintiffs in error pray that the judgment of said Court be reversed and that the Dis-

trict Court be directed to enter judgment in favor of plaintiffs in error.

SAMUEL L. KINGAN,  
JOHN H. CAMPBELL,  
ARCHIE R. CONNER,

Attorneys for Plaintiffs in Error.

Filed this — day of February, A. D. 1924.

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Clerk.

[Endorsed on back]: Filed Feb. 8, 1924. C. R. McFall, Clerk, United States District Court for the District of Arizona. [175]

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In the District Court of the United States for the District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation Organized Under the Laws of the State of Arizona, The Alto Copper Company, a Corporation Organized Under the Laws of the State of Maine, The Santa Cruz Mines and Smelter Company, a Corporation Organized Under the Laws of the State of Arizona, The

Consolidated Mines, Smelter and Transportation Company, a Corporation Organized Under the Laws of the State of Delaware, Albert Steinfeld, Henry S. Guerrin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe,  
Defendants.

**Citation in Error (Copy).**

The President of the United States to the Alto Mines Company, a Corporation, GREETING:

You are hereby cited and admonished to be and appear in the United States Circuit Court of Appeals for the Ninth Circuit to be held in the city of San Francisco, State of California, thirty days from the date of this writ pursuant to a writ of error filed in the office of the clerk of the District Court of the United States for the District of Arizona, wherein James E. Bouldin, David W. Bouldin, Helen L. Bouldin (now Bransford) and Weldon M. Bailey are plaintiffs in error and the Alto Mines Company, a corporation, is defendant in error, to show cause, if any there be, why the judgment in such writ of error mentioned should not be corrected and speedy justice should not be done in their behalf.

WITNESS the Honorable WILLIAM H. SAWTELLE, Judge of the [176] District Court of the United States for the District of Arizona, this 8 day of February, 1924.

WM. H. SAWTELLE,  
Judge.

[Seal]                      Attest: C. R. McFALL,  
Clerk, U. S. Dist. Court, District of Arizona.

[Endorsed on back]: Service of the within citation and receipt of a copy thereof admitted this 8th day of February, 1924.

BEN C. HILL,  
Attorney for Defendant in Error, The Alto Mines  
Company, a Corporation.

Filed Feb. 8, 1924. C. R. McFall, Clerk. United  
States District Court for the District of Arizona.  
By Agnes Borrego, Deputy Clerk. [177]

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In the United States District Court for the District  
of Arizona.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration, Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation, Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transporta-  
tion Company, a Corporation Organized  
Under the Laws of the State of Delaware,  
Albert Steinfeld, Henry F. Guerin, John  
Doe, Richard Roe, Henry Roe, James Doe,  
James Roe, Arthur Doe and Arthur Roe,  
Defendants.

**Writ of Error Bond.**

KNOW ALL MEN BY THESE PRESENTS: That we, James E. Bouldin, David W. Bouldin, Helen L. Bransford (formerly Helen L. Bouldin), and Weldon M. Bailey, as principals, and Fidelity and Deposit Company of Maryland, a corporation, as surety, are held and firmly bound unto The Alto Mines Company, a corporation, in the full and just sum of \$1000, to be paid to the said The Alto Mines Company, its attorneys, successors or assigns, for which payment well and truly to be made we bind ourselves, our successors, assigns, executors and administrators, jointly and severally, firmly by these presents.

Signed and dated this the 8th day of February, 1924.

WHEREAS, lately at a regular term of the District Court of the United States for the District of Arizona sitting at Tucson in said district, in a suit pending in said court between James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey as plaintiffs, and The Alto Mines Company as a defendant, cause No. L.-107—Tucson, on the law docket of said court, final [178] judgment was rendered against the said James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey for the recovery as against the plaintiffs in said action of certain pieces or parcels of real estate situated in Tyndal Mining District, Santa Cruz County, Arizona, described as the Ophir No. 2, Ophir No. 1, Excelsior, Excelsior West,

Buena Vista, Hillside, Donau, Great Eastern, Grand Prize, Alto East Mining Claims and portions of Steinfeld West, Albert, Steinfeld, Alto, Albion and Record mining claims, and for the recovery of its costs in the sum of \$79.70, and the said James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey have obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the judgment of said Court in the aforesaid suit, and a citation directed to the said The Alto Mines Company, a corporation, defendant in error, citing it to be and appear before the United States Circuit Court of Appeals for the Ninth District to be holden in San Francisco, in the State of California, according to law within thirty (30) days from the date hereof.

Now, the condition of the above obligation is such that if the said James E. Bouldin, David W. Bouldin, Helen L. Bouldin and Weldon M. Bailey shall prosecute their writ of error to effect and answer all damages and costs if they failed to make their plea good, then the above obligation to be void, else to remain in full force and virtue.

JAMES E. BOULDIN,  
DAVID W. BOULDIN,

By His Attorney in Fact,

JAMES E. BOULDIN.

HELEN L. BRANSFORD,

Formerly HELEN L. BOULDIN.

WELDON M. BAILEY. [179]

FIDELITY AND DEPOSIT COMPANY  
OF MARYLAND, a Corporation,  
Surety.



[Corp. Seal] By JOHN W. McBRIDE,  
Attorney-in-Fact.

By A. B. HAZELTINE,  
Agent.

Approved this the 8 day of February, A. D. 1924.

WM. H. SAWTELLE,  
Judge.

[Endorsed]: Filed Feb. 8, 1924. C. R. McFall,  
Clerk. [180]

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In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration, Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation, Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transporta-  
tion Company, a Corporation Organized  
Under the Laws of the State of Delaware,

Albert Steinfeld, Henry S. Guerrin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe,  
 Defendants.

**Praeceptum for Transcript of Record.**

To the Clerk:

You are requested to make a transcript of record to be filed in the United States Circuit Court of Appeals for the Ninth Circuit pursuant to appeal allowed in the above-entitled cause, and to include in such transcript of record the following and no other papers or exhibits, to wit:

1. Amended complaint.
2. Amended answer filed March 26, 1919.
3. Stipulation.
4. Order entering defaults.
5. Stipulation filed April 22, 1918.
6. Order of November 4, 1919.
7. Order of November 5, 1919.
8. Plaintiffs' Exhibit 2.
9. Plaintiffs' Exhibit 3.
10. Plaintiffs' Exhibit 4.
11. Statement of plaintiffs' title stipulated to be correct.
12. Defendants' Exhibit 1.
13. Defendants' Exhibit 3.
14. Defendants' Exhibit 4.
15. Defendants' Exhibit 5.
16. Defendants' Exhibit 6.
17. Defendants' Exhibit 7.
18. Defendants' Exhibit 8. [181]
19. Defendants' Exhibit 9.

20. Statement of testimony.
21. Judgment.
22. Motion for new trial.
23. Amended motion for new trial.
24. Order passing motion for new trial.
25. Order motion for new trial argued and submitted.
26. Order overruling motion for new trial.
27. Order entering judgment *nunc pro tunc*.
28. Opinion of Court.
29. Petition for writ of error.
30. Writ of error.
31. Order allowing writ of error.
32. Assignments of error.
33. Citation in error.
34. Bond on writ of error.
35. This praecipe.
36. Stipulation filed Feb. 8, 1924.

Respectfully,

SAMUEL L. KINGAN,  
JOHN H. CAMPBELL,  
A. R. CONNER,

Attorneys for Plaintiffs in Error.

Service of the foregoing praecipe acknowledged and a copy thereof accepted this 8th day of February, 1924.

BEN C. HILL,  
Attorney for Defendant in Error The Alto Mines  
Company, a Corporation.

[Endorsed on back]: Filed Feb. 8, 1924. C. R.  
McFall, Clerk, United States District Court for

District of Arizona. By Agnes Borrego, Deputy Clerk. [182]

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In the District Court of the United States for the District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation Organized Under the Laws of the State of Arizona, The Alto Copper Company, a Corporation Organized Under the Laws of the State of Maine, The Santa Cruz Mines and Smelter Company, a Corporation Organized Under the Laws of the State of Arizona, The Consolidated Mines, Smelter and Transportation Company, a Corporation Organized Under the Laws of the State of Delaware, Albert Steinfeld, Henry S. Guerrin, John Doe, Richard Roe, Henry Roe, James Doe, James Roe, Arthur Doe and Arthur Roe,

Defendants.

**Stipulation Re Statement in Narrative Form of Evidence and Proceedings in the District Court for the District of Arizona in Above-entitled Cause.**

IT IS STIPULATED by and between respective counsel for the plaintiffs and the defendant The

Alto Mines Company that a statement in narrative form of the transcript of the proceedings now on file in the clerk's office of the District Court for the District of Arizona in the above-entitled cause may be prepared by counsel for the plaintiffs in error and filed with and made a part of the record to be submitted to the Circuit Court of Appeals for the Ninth Circuit in response to the writ of error this day granted in said cause. Said statement in narrative form shall be filed with the clerk of said District Court within ten days from the date hereof, and such additional statement as counsel for the defendant in error may desire may be filed within five days thereafter, and when so filed and approved by the Court shall become and be a part of the record.

Dated this 8th day of February, 1924.

SAMUEL L. KINGAN,  
JOHN H. CAMPBELL,  
A. R. CONNER,  
Attorneys for Plaintiffs.  
BEN C. HILL,

Attorney for Defendant in Error The Alto Mines  
Company.

[Endorsed]: Filed Feb. 8, 1924. C. R. McFall,  
Clerk. [183]

November, 1923, Term—Tucson Division.

In the United States District Court for the District  
of Arizona.

Honorable WM. H. SAWTELLE, United States  
District Judge, Presiding.

Minute Entry of February 8th, 1924.

No. 107-AT LAW—(Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY et al.,

Defendants.

**Minutes of Court—February 8, 1924—Order Directing Transmission of Plaintiffs' Exhibit No. 1 and Defendants' Exhibit No. 13.**

Upon application of respective counsel for the parties to this cause, it is by the Court ordered that the Clerk of this court transmit to the Clerk of the United States Circuit Court of Appeals of the Ninth Circuit at San Francisco, California, Plaintiffs' Exhibit 1 and Defendants' Exhibit 13, which were introduced in evidence at the trial of said cause, in order that said original exhibits may be inspected by the said Circuit Court of Appeals upon the writ of error allowed herein and in connection with the transcript of the proceedings of this cause. [184]

November, 1923, Term—Tucson Division.

In the United States District Court for the District  
of Arizona.

Honorable WM. H. SAWTELLE, United States  
District Judge, Presiding.

Minute Entry of February 8th, 1924.

No. 107 -AT LAW—(Tucson).

JAMES E. BOULDIN et al.,

Plaintiffs,

vs.

ALTO MINES COMPANY et al.,

Defendants.

**Minutes of Court—February 8, 1924—Certificate  
of Clerk U. S. District Court That Plaintiffs'  
Exhibit No. 1 and Defendants' Exhibit No. 13  
are Identical.**

Upon application of respective counsel for the parties to this cause, it is by the Court ordered that the clerk of this court transmit to the clerk of the United States Circuit Court of Appeals of the Ninth Circuit at San Francisco, California, Plaintiffs' Exhibit 1 and Defendants' Exhibit 13, which were introduced in evidence at the trial of said cause, in order that said original exhibits may be inspected by the said Circuit Court of Appeals upon the writ of error allowed herein and in connection with the transcript of the proceedings of this cause.

United States of America,  
District of Arizona,—ss.

I, C. R. McFall, clerk of the United States District Court for the District of Arizona, hereby certify that Plaintiffs' Exhibit 1 and Defendants' Exhibit 13 attached hereto (being maps and plats introduced at the trial of this cause), are the identical exhibits referred to in the foregoing order.

[Seal] C. R. McFALL,  
Clerk U. S. District Court, District of Arizona.  
[185]

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In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transpor-  
tation Company, a Corporation Organized



Under the Laws of the State of Delaware,  
Albert Steinfeld, Henry S. Guerrin, John  
Doe, Richard Roe, Henry Roe, James Doe,  
James Roe, Arthur Doe and Arthur Roe.

Defendants.

**Writ of Error (Original).**

The President of the United States to the Honorable WILLIAM H. SAWTELLE, Judge of the District Court of the United States for the District of Arizona, GREETINGS:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court before you between James E. Bouldin, David W. Bouldin, Helen L. Bransford (formerly Bouldin) and Weldon M. Bailey, plaintiffs in error, and The Alto Mines Company, a corporation, defendant in error, a manifest error has happened to the damage of James E. Bouldin, David W. Bouldin, Helen L. Bransford (formerly Bouldin) and Weldon M. Bailey, plaintiffs in error, as by said complaint appears, and we being willing that error, if any hath been, should be corrected, and full and speedy justice be done to the parties aforesaid in this behalf, do command you if judgment be therein given, that under your seal you send the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Ninth Circuit, together with this writ, so that you have the same at San Francisco, in the State of California, where said court is sitting, within thirty days from the date

hereof, in the said Circuit Court of Appeals to be then and there held, and the record and proceedings aforesaid being inspected, the said United States Court of Appeals may cause further to be done therein to correct the error what of right, and according to the laws and customs of the United States should be done.

WITNESS the Honorable WILLIAM H. TAFT, Chief Justice of the United States, this the 8th day of February, A. D. 1924.

[Seal] C. R. McFALL,  
Clerk of the United States District Court for the  
District of Arizona.

Allowed this the 8th day of February, A. D. 1924.

WM. H. SAWTELLE,  
United States Judge.

[Endorsed]: No. L.-107—Tucson. In the District Court of the United States for the District of Arizona, Sitting at Tucson. James E. Bouldin et al., Plaintiffs, vs. The Alto Mines Company, a Corporation, et al., Defendants. Writ of Error. Filed Feb. 8, 1924. C. R. McFall, Clerk, United States District Court for the District of Arizona.

In the District Court of the United States for the  
District of Arizona, Sitting at Tucson.

No. L.-107—Tucson.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN and WELDON M.  
BAILEY,

Plaintiffs,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona, The Alto Copper Company, a Cor-  
poration Organized Under the Laws of the  
State of Maine, The Santa Cruz Mines and  
Smelter Company, a Corporation Organized  
Under the Laws of the State of Arizona, The  
Consolidated Mines, Smelter and Transpor-  
tation Company, a Corporation Organized  
Under the Laws of the State of Delaware,  
Albert Steinfeld, Henry S. Guerrin, John  
Doe, Richard Roe, Henry Roe, James Doe,  
James Roe, Arthur Doe and Arthur Roe,

Defendants.

**Citation in Error (Original).**

The President of the United States to the Alto  
Mines Company, a Corporation, GREETING:

You are hereby cited and admonished to be and  
appear in the United States Circuit Court of Ap-  
peals for the Ninth Circuit to be held in the city  
of San Francisco, State of California, thirty days

from the date of this writ pursuant to a writ of error filed in the office of the clerk of the District Court of the United States for the District of Arizona, wherein James E. Bouldin, David W. Bouldin, Helen L. Bouldin (now Bransford) and Weldon M. Bailey are plaintiffs in error and the Alto Mines Company, a corporation, is defendant in error, to show cause, if any there be, why the judgment in such writ of error mentioned should not be corrected and speedy justice should not be done in their behalf.

WITNESS the Honorable WILLIAM H. SAWTELLE, Judge of the District Court of the United States for the District of Arizona, this 8th day of February, 1924.

WM. H. SAWTELLE,  
Judge.

[Seal]                      Attest: C. R. McFALL,  
Clerk U. S. Dist. Court, District of Arizona.

[Endorsed]: No. L.-107—Tucson. In the District Court of the United States for the District of Arizona, Sitting at Tucson. James E. Bouldin et al., Plaintiffs, vs. The Alto Mines Company, a Corporation, Defendants. Citation in Error. Filed Feb. 8, 1924. C. R. McFall, Clerk United States District Court for the District of Arizona. By Agnes Borrego, Deputy Clerk.

Service of the within citation and receipt of a copy thereof admitted this 8th day of February, 1924.

BEN C. HILL,  
Attorney for Defendant in Error, The Alto Mines  
Company, a Corporation.

In the District Court of the United States for the  
District of Arizona.

JAMES E. BOULDIN, DAVID W. BOULDIN,  
HELEN L. BOULDIN (Now BRANS-  
FORD), and WELDON M. BAILEY,  
Plaintiffs in Error,

vs.

THE ALTO MINES COMPANY, a Corporation  
Organized Under the Laws of the State of  
Arizona,

Defendant in Error.

**Certificate of Clerk U. S. District Court to Tran-  
script of Record.**

United States of America,  
District of Arizona.

I, C. R. McFall, Clerk of the District Court of  
the United States for the District of Arizona, do  
hereby certify that I am the custodian of the rec-  
ords, papers and files of the said United States Dis-  
trict Court for the District of Arizona, including the  
records, papers and files in the case of James E. Boul-  
din, et al., plaintiffs, *versus* The Alto Mines Com-  
pany, a corporation, et al., defendants; said case  
being number Law-107—Tucson, on the docket of  
said court.

I further certify that the foregoing 186 pages,  
numbered from 1 to 186, inclusive, contains a full,  
true and correct transcript of the proceedings in  
said case, and of all papers filed therein, together  
with the endorsements of filing thereon, as set forth

in the praecipe filed in said case and made a part of the transcript attached hereto, as the same appears from the originals of record and on file in my office as such clerk in the city of Tucson, state and district aforesaid.

I further certify that the original writ of error and citation issued in said action are attached hereto.

I further certify that the cost of preparing and certifying to said records amounts to the sum of \$87.20, and that same has been paid in full by James E. Bouldin, et al., plaintiffs in error herein.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at Tucson, in said district, this 1st day of March, in the year of our Lord one thousand nine hundred and twenty-four, and the year of our Independence the one hundred and forty-eight.

[Seal] C. R. McFALL,  
Clerk of the United States District Court for the  
District of Arizona.

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[Endorsed]: No. 4209. United States Circuit Court of Appeals for the Ninth Circuit. James E. Bouldin, David W. Bouldin, Helen L. Bouldin (Now Bransford), and Weldon M. Bailey, Plaintiffs in Error, vs. Alto Mines Company, a Corporation, Defendant in Error. Transcript of Record. Upon

Writ of Error to the United States District Court  
of the District of Arizona.

Filed March 3, 1924.

F. D. MONCKTON,

Clerk of the United States Circuit Court of Ap-  
peals for the Ninth Circuit.

By Paul P. O'Brien,  
Deputy Clerk.

